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THE INTERFAITH MOVEMENT A MULTIPLE VISION

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THE EDUCATION OF A QUEEN

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MIDRASH: THE DEFENDER OF GOD

Melvin Jay Glatt

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STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

Judaism will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. 1, No. 1.*

The First Reader

Interfaith: How Far Have We come?

Interfaith activity has become a permanent feature on the American landscape, recognized as a normal concomitant of life in a pluralistic society. In fact, a period of self-scrutiny for the movement has set in and, predictably, the assessment tends to vary with the observer.

The current issue of JUDAISM presents a mini-symposium entitled "A Multiple Vision," in which the editor and three representative figures participate. *William Sanford LaSor*, a distinguished biblical scholar, *Eugene J. Fisher*, a leading spokesman on inter-faith relations in the Catholic church, and *Henry Siegman*, Executive Director of the American Jewish Congress, present their views on the present state of interfaith relations and the unfinished business before the movement.

There Is Something New Under The Sun

One of the most significant insights in our day is that in literature, no less than in music or the plastic arts, the reader is not a passive receptacle for the author's ideas or emotions, but, on the contrary, an active participant in a creative enterprise. It is no wonder, therefore, that the same work will elicit varying interpretations from different readers and in different periods; indeed, the greater the work, the richer the variety of interpretations.

The biblical masterpiece, *Koheleth*, or *Ecclesiastes*, is a striking case in point. In his paper, "Koheleth and Camus: Two Views of Achievement," *Matthew J. Schwartz* contrasts the world views of the ancient biblical sage and the modern existentialist novelist. It should be noted that Schwartz's approach to *Koheleth's* thought is much closer to the traditional rabbinic exegesis than to that of most modern students of this fascinating biblical book.

Reb Moshe Feinstein's World

The ascendancy of Orthodoxy on the American Jewish scene has naturally increased the interest in the leadership of the various groups

within it. By common consent, the outstanding legal authority is Reb Moshe Feinstein, whose work is analyzed by *Ira Robinson* in his paper, “Because of Our Many Sins: The Contemporary Jewish World as Reflected in the Responsa of Moses Feinstein.” These responsa shed light on Feinstein’s conception of the sole legitimacy of Orthodoxy and the various groups within it, his attitude toward non-Orthodox Jews and Judaism, and his approach to the larger Gentile world. The intrinsic significance of these views, carefully documented by the author, is increased by the knowledge that they determine the outlook of thousands of adherents of right-wing Orthodoxy today.

“Justice, Justice Shalt Thou Pursue”

In an age when aggressiveness and greed are extolled as the essence of the “American way,” with Wall Street leading the pack, there is a very interesting phenomenon in the American legal profession: a growth of “public interest” lawyers dedicated to defending the rights of the weaker sectors in society — women, the poor, minorities and dissidents. The proportion of Jews among these “public interest” lawyers is unusually high.

Donna Arzt, in her paper, “The People’s Lawyers: The Predominance of Jews in Public Interest Law,” describes this development and ascribes it to the Jewish tradition of social justice which, rooted in the Bible, emerges in this form in twentieth century America.

They Are Our Brothers

Among the problems confronting the State of Israel, the crisis — some would say the scandal — of the Ethiopian Jews is not the least important. On the one hand, we have the heroism, ingenuity and self-sacrifice that saved thousands of them from starvation, enslavement and ultimate extinction in their native land. On the other is the series of pronouncements by the two Chief Rabbis of Israel, setting aside the views of such Orthodox Halakhists as Rabbi Esriel Hildesheimer and Rabbi Abraham Isaac Kuk, denying the Jewish legitimacy of the Ethiopian Jews. The Chief Rabbis first called for their undergoing a complete process of conversion. Then they argued for immersion, but only for those applying for the right to marry. Next they demanded only a symbolic declaration by the black Jews of their adherence to Judaism — all of these steps being vigorously refused by the Ethiopian community, who are proud of their two-thousand-year history of fervent, sacrificial loyalty to Judaism.

In a brief contribution, “Our Brothers and Our Flesh,” *David Ellenson* brings to light a letter by Rabbi Hildesheimer, written in 1864, strongly affirming the legitimate status of these members of the Jewish people.

Return Is Always Possible

The watchword of our age is “return.” In the area of religion, *ba’alei teshuvah*, or “returnees” who have come — or come back — to religion, are everywhere in evidence. There has also been a secular “return” within Jewish ranks — the return to Zion, proclaimed by the Zionist movement and now fulfilled in the state of Israel.

Eliezer Schweid is one of the leading thinkers there today, and he is concerned with the intellectual, moral and spiritual aspects of this return. For the majority of Israelis who regard themselves as secular, as well as for American and world Jewry, his work has significant implications. They are explored by *Michael Oppenheim* in his paper, “Eliezer Schweid: The Philosophy of Return.”

Another Look at Esther

As the vast Midrashic literature demonstrates, there is no limit to the variety of readings and interpretations to which the Bible can be subjected. A striking case in point is afforded by the Book of Esther which is given a new interpretation by *Frieda Clark Hyman* in her paper, “The Education of a Queen.” As against the traditional interpretation which regards Mordecai as the central hero with Esther as his adjutant, the writer argues that Mordecai, far from being an admirable character, was responsible for Jewish troubles and that it was Esther who grew from a timid young girl into a queen with the power to save and command.

To Justify the Ways of God

Once the books of the Bible were collected and canonized, they became the basis of a rich and variegated literature called the Midrash, literally “searching the Scriptures.” Every passage, verse, and even the single letter was scrutinized for possible insights and implication. At times it produced a folkloristic motif, filling in the gaps in the lives of the personages described in the Bible. At others it served as the basis for the inculcation of religious truths and ethical standards.

The Midrash was also concerned with some of the acts of God, raising questions regarding His ethical conduct. *Melvin Glatt*, in his paper, “Midrash: The Defender of God,” shows how the Midrash sought to explain such incidents in a manner calculated to uphold the ethical standards governing God’s actions.

A Tortured Soul

One of the most enigmatic and poignant figures to appear in Europe during the Nazi period was the French-Jewish intellectual, Simone Weil, whose brief and tragic life oscillated between self-immolation and Jewish

self-hatred. Often decried as an anti-Semite, she steadfastly refused to be converted to Catholicism, though she was greatly drawn to Christianity, and was influenced by Christian friends.

In her essay, "The Problem of Being Simone Weil," *P.E. Cruise* offers a penetrating analysis of a unique figure, who wandered among different worlds and found no peace anywhere. Simone Weil might well have echoed Heine's line, "*Keinen Kaddish wird man sagen, keine Messe wird man singen*," "Over my grave, no Kaddish will be said, no mass will be sung."

The Jews and the Outside World

The modern age is not the first period to see a living encounter between traditional Judaism and the general cultural world. The Golden Age of Spain was one such era. An even earlier interaction took place when Jewish tradition confronted the Greco-Hellenistic world, from the time of Alexander the Great to that of the not-so-great Constantine. The results of this encounter differed, as is to be expected, for Diaspora Jewry, largely concentrated in Alexandria, and for Palestinian Jewry, living in the homeland. How radically different were these two communities? How important was Greek influence in Palestine?

These two basic issues, on which new light is being shed, are discussed by *David Winston* as a background for understanding a remarkable drama, *The Exagoge* ("The Exodus"), written by a Jewish poet in Alexandria in conformity with the patterns of the Greek theater. The remaining lines of this remarkable instance of Greek-Jewish symbiosis have recently been published by Howard Jacobson, whose work is evaluated in a review-essay.

R.G.

The Interfaith Movement — A Multiple Vision

ROBERT GORDIS

TWENTIETH CENTURY RELIGION, PARTICULARLY in America, has developed one attribute without parallel in all previous history — the birth and growth of the interfaith movement. Following World War I a vast outcropping of anti-Semitic feeling, fomented by Henry Ford and spearheaded by Father Charles Coughlin, came to the surface in the United States. Frightened by this upsurge of unsuspected hostility toward a minority in the country, men and women of good-will took steps to organize the National Conference of Christians and Jews for the purpose of stimulating better human relations. During this first stage of the interfaith movement, the stress was upon the elements in common between Judaism and Christianity. Underscoring these aspects, it was felt, would create a spirit of comradeship and mutual respect.

Undoubtedly, the emphasis on “the things that unite us” did generate a measure of good feeling among its participants, but it proved to be a broken reed in the face of the monstrous challenge of Nazism, on the one hand, and the birth of the State of Israel on the other. Jews felt betrayed by the virtual silence of the churches and by the inaction of the American government during the mass butchery perpetrated by Nazism. In addition, the rise of the State of Israel created theological problems for Christians who believed that Judaism had ceased to be a creative force with the rise of Christianity, and that the destruction of the Temple in the year 70 C.E. had marked the death of the Jewish people as a living entity. As the British historian, Arnold Toynbee, put it, Jews were “a fossilized relic of Syriac society.” Indifference to the victims of Nazism and hostility to the State of Israel became, it seemed, permanent features of the spiritual landscape of American religious circles and, as a result, the interfaith movement fell upon evil days.

Nevertheless, the need for mutual understanding was greater than ever before, except that it needed to be based on the canon of frankness rather than of politeness. The elements of similarity between Judaism and Christianity had been thoroughly explored; now it was necessary to face up to the differences between the two traditions and their varying and even conflicting interests. The rise of a group of great-souled Christians who publicly confessed to the sins of the Church vis-à-vis the Jewish people during the Nazi catastrophe, as well as in the remote past, pointed

to a new fruitful approach to group relations, at once more realistic and more idealistic.

Nor were the issues purely historical or theological. The civil rights movement, dedicated to achieving true equality for black Americans, drew a proportionately greater degree of support from Jews than from any other element in white America. Extraordinary progress was registered in many areas, but much still remained to be done. However, differences developed between Jews and blacks in strategies as well as in objectives.

There was a wide-spread perception that the long-standing alliance between blacks and Jews in America was breaking down. Issues such as affirmative action in education and housing, the public identification of many black leaders with anti-Israel positions, the emergence of Jesse Jackson as a national black leader with his ally, the Muslim demagogue, Farrakhan, and the moral fiasco of the Bitburg episode, with the muted response of most Christian churches and most black leaders to the Reagan visit, diminished the enthusiasm of American Jews both for the inter-faith and the civil rights movements. On the other hand, the rise in numbers and influence of aggressive religious fundamentalism, both in Christianity and in Judaism, has added another complicating factor, including some apparently very positive elements.

Yet manifestations of ill-will, or at least mutual indifference among the various elements of the American people, give special urgency to the need to foster group relations. What we must do is to build the movement upon a realistic perception of the problems and an honest presentation of the issues. At present, the inter-faith movement stands at the cross-roads. The need is real. Are the means available for meeting it?

The religious dimensions of inter-faith relations are highlighted by three papers in our current issue. Each seeks to stimulate the revitalization of inter-faith understanding.

A distinguished Evangelical biblical scholar, William Sanford LaSor, in his paper, "Protestants and Jews," calls attention to the varieties of outlook and approach to be found among Evangelical Christians, who differ among themselves in their attitudes on American Jews, the State of Israel and many social, economic and political issues. He pleads for renewed understanding and, wherever possible, cooperative action between Jews and Evangelical Christians.

There has been, we know, a millennial history of intolerance and even persecution of Jews by the Catholic Church which has left a residue of mutual suspicion behind. In our times the lack of recognition of the State of Israel by the Vatican has been a major source of concern among Jews. This is all the more unfortunate since the relations between Catholics and Jews in America, both individually and collectively, have been marked by genuine friendship and cooperation in many areas.

To be sure, the Church does not modify its views rapidly, nor does it

always call attention to the transformation. Nevertheless, far-reaching changes are taking place in Catholic doctrine affecting the Holocaust, the role of the Jewish people, and the status of the State of Israel. In fact, some Catholic theologians are engaged in revising long-standing attitudes on these issues, though it must be confessed that older prejudiced views still prevail in the pews and, all too often, in the pulpit.

In his essay, "The Holocaust and the State of Israel: A Catholic Perspective," Eugene J. Fisher discusses these issues and presents evidence that a more positive attitude toward the State of Israel is emerging in the Vatican. Jews often do not appreciate the tremendous moral energy that Christians must exert in order to traverse the great distance between the traditional Christian outlook on Jews and Judaism, whether officially taught or popularly maintained, and the new, wiser and nobler attitudes emerging in Christian thought today.

For centuries the philosophic discussion has gone on as to whether a glass partially filled with water is to be regarded as half full or half empty. This difference is reflected in our symposium as well. In his essay, "Christian Jewish Relations: Still a Way to Go," Henry Siegman recognizes that genuine progress has been effected; however, he calls attention to the vast distance that must still be traversed before truly significant progress will be achieved.

While the three writers differ in their assessment of the situation, they are in agreement that progress in inter-faith group understanding is both necessary and achievable.

Protestants and Jews

WILLIAM SANFORD LASOR

IN A DISCERNING TREATMENT OF PROTESTANT attitudes toward Jews,¹ Rabbi A. James Rudin brings out a number of important points, and concludes with a statement attributed to Charles de Gaulle paraphrased so that it might read, "The Jewish people have no permanent friends, they have only permanent interests." I cannot speak for the "Liberals," and I can venture to speak as only one of a multifarious collection of "Evangelicals." Perhaps the most obvious conclusion that I would draw from this article is that labels do not mean much and they certainly are not clearly descriptive.

I

Take the term "evangelical." In the theology of previous generations the term was used in contrast to "sacramentarian." Sacramental theology held that salvation was dispensed through the sacraments, and to "excommunicate," i.e., to cut off from the communion, was tantamount to removing the possibility of salvation. Evangelical theology, on the other hand, held that salvation was by faith alone — that faith being centered in the gospel (evangel) or good news. I don't suppose that many present-day Evangelicals who have not been trained in theology would even recognize this meaning of the term, but it is the basis on which some, who might otherwise be called "Liberals," could truly claim that they are "Evangelical."

In the early decades of the twentieth century the dispute between "Modernism" and "Fundamentalism" waxed warm, particularly in the United States. It is unnecessary, in this present article, to go into the background of this Protestant quarrel, but it is important to note that "Modernists" and "Fundamentalists" stopped talking to each other and spent their efforts talking about each other. As a result, ignorance of their theological bases — their own as well as each others' — increased.

Fundamentalism in the '20s and '30s was largely dominated by the Bible-School movement which, although highly motivated, gave to many who otherwise would find themselves in general agreement with fundamentalist doctrines, an uneasiness with the attitudes of the so-called Fundamentalists. These attitudes included: separationism or isolationism, i.e., refusal to have fellowship, or even dialogue, with those who did not

1. "Protestants — Those Liberals, Those Evangelicals," *Present Tense*, Vol. II, No. 4 (Summer 1984): 16-19.

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hold precisely the same theological beliefs; and what might be called other-worldliness, or disinterest in contemporary social problems. I can personally attest that a Fundamentalist (in belief) who preached as part of his biblically derived message what was commonly called "the social gospel" thereby earned the label "Modernist."

In the '40s, there was a spirit of unrest among those Fundamentalists who were concerned with a broader sphere of dialogue and a more active social concern and one of its results was the formation of Fuller Theological Seminary in Pasadena, Calif., of which I was one of the early faculty. (The Seminary was founded in 1947; I joined it in 1949.) There were others in other institutions and churches, and I suppose all of us chafed under the name "Fundamentalist." Other terms were tested, one of which was "Neo-evangelical." The "neo-" was probably to distinguish it from the historical meaning of evangelical which I have previously discussed. To some, this term sounded too much like "Neo-orthodox," which was a development of Modernism, principally under the influence of theologians such as Karl Barth and Emil Brunner, and, therefore, a bad word to many Fundamentalists. So "Neo-evangelical" became "Evangelical."

In the past forty years Evangelicals have become embroiled in their own disputes. Some have become political and/or social activists to a degree which suggested to others that they have left the biblical position, namely that such activity is the fruit and that salvation received by faith is the root without which there can be no true fruit. Others have gotten involved in "the battle for the Bible" — a dispute centering on the question of "inerrancy" or "infallibility" of Scripture. And — getting down to the question at hand — there was a growing difference among Evangelicals concerning our attitude toward the Jews.

II

The history of Christian attitudes toward Jews is, indeed, a sorry one. In the first century of the Common Era, for at least thirty years, and probably even longer, most Christians were Jews. It comes as a shock to some modern Christians to be told that Jesus was a Jew, that the Apostles were Jews, and that the Bible (with the exception of Luke and Acts) was written by Jews. To get around this fact, some Christians (to the best of my knowledge, no Evangelicals among them) insist that Jesus and the Apostles were not Jews; they were Israelites, and Jews are renegades, not Israelites. This, of course, is nonsense bred of "anti-Semitism," better defined as an anti-Jew bias. At some point — on which scholars disagree — the Christian Church became anti-Jew. Some think it was so already in the first century; I think that the attitude developed somewhat later. In any event, the schism between the Church and Judaism became wider and more firmly established in the following centuries.

The story of the hatred of Christians toward Jews (and, if I may be

excused for saying so, the animosity of Jews toward Christians — brought on, no doubt, in reaction to the attitude of the Christians) is too well known to need retelling. Christians forced Jews to convert; they even killed Jewish converts to keep them from recanting. Jews were labeled “Christ killers” and similar names. Even after the Reformation, Protestants were not favorably disposed toward Jews. The change in attitude began to be noted after World War II. I personally attribute some of this to the experiences of military chaplains — Protestant, Catholic, and Jewish — in the war years. Hatred and suspicion diminish when ignorance is displaced by knowledge.

There were some Evangelicals who were already thinking along similar lines when Vatican II made its famous pronouncement, exempting the Jews from blame for the Crucifixion. I came to my position on the basis of certain portions of the New Testament, particularly Acts 2:23, where Peter attributes the Crucifixion to three factors: “you” (the Jews to whom he was speaking — not those of the Diaspora or of future generations), “by the hands of lawless men” (the Romans who did the crucifying), and “according to the definite plan and foreknowledge of God” (the fulfillment of God’s revelation through the Prophets). I must confess that my studies in the Tanakh (which we Christians call the “Old Testament”) had led me both to the conviction that the events in the New Testament were the culmination of God’s redemptive work through His People in the Old Testament, and also to a deep appreciation of the Jewish roots of my Christian faith.

Rabbi Rudin singles out one of the differences among Evangelicals, namely the attitude toward conversion.

Some evangelicals, (he notes), reevaluating their traditional stance, now make a clear distinction between proselytizing, which they consider unacceptable, since it employs tactics of coercion and manipulation, and personal witnessing, a simple act of self-affirmation of faith that they believe is free of conversionary intent.”²

He names Professor Marvin Wilson of Gordon College as an example of these Evangelicals.

I first met Professor Wilson at a conference (or dialogue) in New York in 1975.³ Prior to that I had felt rather lonely. My position vis-à-vis the Jew was, I believed, unique among Evangelicals. At the conference I soon learned that there were others who held similar convictions. In the summer of 1984, the Center for Judaic-Christian Studies held a conference in Austin, Texas. Marvin Wilson and I were among the panelists, as were two men from Austin and four men and a woman from Israel (all Christians), and all of us were surprised at the large number in attendance who had come from every part of the United States. I spoke to many

2. Ibid., p. 18.

3. The papers presented at that conference were published in *Evangelicals and Jews in Conversation*, eds. M.H. Tanenbaum, M.R. Wilson and A.J. Rudin (Baker Book House, 1978).

of them personally and found that, like myself, they had wondered whether their convictions concerning the Jew were some new heresy. They had come to the conference because they wanted to know more about the Jewish roots of our Christian faith, and because they had come to love and appreciate the Jew. I do not know that they all should be called "Evangelicals" — some of them openly disavowed all labels, claiming only to be followers of Jesus. I would not suggest that all agreed on every point concerning the Christian attitude toward Jews, but every one I talked to rejected the idea of proselytizing, and some felt that even the idea that a Jew needed to accept Jesus in order to go to heaven should be repudiated, or at least restudied.

Two points brought out by Rabbi Rudin deserve particular interaction. He — as do many others — tends to give to Rev. Jerry Falwell and his Moral Majority a place of leadership among the Evangelicals. On the basis of the volume of noise or of printed material, and perhaps even on the basis of political influence at the 1984 Republican National Convention, this would have to be admitted. Yet a number of Republican leaders said, after the platform was adopted by the convention, that it was not representative of their views. I believe that I am not alone when I say that Jerry Falwell and others of a position that seems to be not too far removed from the old Fundamentalism do not have my unqualified support.

Then there is the matter of Christian eschatology. Some Christians, we must admit, are interested in the Jews and the State of Israel only as pieces in their scheme of events preceding the end of this age. The fig tree has begun to put forth its leaves (Mark 13:28). The times of the Gentiles are fulfilled (Luke 21:24). Some would go even further and work for the building of the Third Temple on the Temple Mount in Jerusalem as a necessary prior event to the return of Jesus. On these matters I can speak with special conviction, for I have long devoted myself to the study of eschatology (the doctrine of the events of the end of the age), and have published a work on the subject.⁴ We Christians may, indeed, see "signs of the times" in certain historical events, even as a number of Jews see the revival of the Hebrew language and the establishment of the State of Israel as signs that point to the coming of the Messiah. But if our only interest in the Jew is to see him as a cog in God's timepiece, we have severely impoverished ourselves. We Christians owe everything in our faith to the Jews, and we have much to learn from the Jews. After all, as the Apostle Paul reminds us, we Gentiles are wild olive shoots that have been grafted into the original tree — which is Israel (Romans 11:17-24).

III

One matter remains — and I am reluctant to mention it, but I sincerely believe that a full dialogue between Jews and Christians should dis-

4. *The Truth About Armageddon* (Harper & Row, 1982).

cuss it — that is, the attitude of Jews toward Jews who convert. In the issue of *Christianity Today* of September 7, 1984, Rabbi Hillel Cohn, in a letter to the editor (p. 6) concerning an article on “Jews Who Believe in Jesus,” made the following statement:

To refer to people who have accepted Jesus as their Messiah as “Jewish people” is incorrect. The moment one accepts Jesus as Messiah he becomes a Christian. He severs connection with Jewish people just as a Moslem would sever his or her connection with Islam upon acknowledging Jesus to be the greatest of all prophets rather than Mohammed.

This strikes me as a kind of fundamentalism not greatly different from that which brands Catholics, Modernists, or Abortionists as non-Christian, or which says, “God doesn’t hear the prayers of a Jew.” At an interfaith conference held not long before his departure from this world I asked my friend, the late Rabbi Samuel Sandmel, “Why is it that a Jew can believe almost anything or nothing at all and still be a Jew, but if he believes Jesus is his Messiah he cannot be a Jew?” The learned rabbi thought a few moments, and finally answered quietly, “I guess it’s mostly emotionalism.” I can understand that. Knowing, only to the limited extent that a non-Jew can know, something of the unchristian treatment that the Church has meted out to the Jew over the centuries, realizing that the Church has all-too-often claimed that the Jew has been rejected by God and that the Church is now the true Israel, aware of the fact that the conversion of Jews was often simply an ego-trip, another way of carving notches on our belts, I can understand the depth of emotion which my friend was trying to restrain.

But there is more than emotionalism involved. There are Jewish doctrines or standards. While it is true that a Jew may be an agnostic, or even an atheist (e.g., Karl Marx), he is a “sinning” Jew, and needs to repent. According to Jewish theology, Jews are strict monotheists, and the unity of God is a cardinal point. In the Jewish mind, Christians are trinitarians, which is hardly distinguishable from tritheism — in other words, Christians worship three Gods. A Jew who accepts Jesus as Messiah is considered to have become a Christian and thereby to have renounced belief in the oneness of God.

At this point I believe that there is some misunderstanding about the Christian view of God. We, too, insist that there is only one God. The matter of the Trinity (“three persons”) came into the Church when western theologians attempted to state in Greek and then in Roman terms a truth that ultimately came from the Hebrew Bible. The “son of God” is mentioned a number of times in the Old Testament (cf. *Psa.* 2:7,12; *Dan.* 3:25). Likewise, the “spirit of God” is an Old Testament Truth (cf. *Gen.* 1:2; *Exod.* 31:3; *1 Sam.* 16:13; *Isa.* 11:2). The “servant” who carried our sins is found in Isaiah, especially chapter 53. The “one like a son of man” coming from heaven is found in Daniel (7:13). The first Christians, all of whom were Jews and fiercely dedicated to the unity of the God of our

Fathers, had no trouble with these terms. Even Paul, who studied under Rabban Gamliel I, and who had difficulty with certain doctrines of the early Church, was able to reconcile his Jewish training with his acceptance of Jesus as his Messiah, and considered himself to be a Jew (cf. Acts 22:3; Rom. 2:9; 11:1,14). But when we attempt to compress scriptural truths into terms such as *hypostasis*, *homooousia* or *homoiousia*, *substantia*, and *persona*, we move into a non-Jewish world, into a realm of thought that is quite far removed from the Old Testament and, indeed, moving out from the New Testament.

The question, "What is a Jew?," has been debated many times, and many answers have been given. If I understand correctly, one definition would differentiate three categories: (a) he or she is a Jew who has been born a Jew (whether the Talmudic prescription "of a Jewish mother" is taken literally, or has been expanded to include those born of Jewish fathers and Gentile mothers); (b) he or she is a Jew if others consider him or her to be Jewish, in other words, they are recognized as Jews; and (c) he or she is a Jew if he or she considers himself or herself to be a Jew ("a Jew is anyone who thinks he is a Jew"). But what of the Jew who has come to believe that Jesus is the Messiah, who wants to remain a Jew, continuing to follow the ritual and observing the holy days that have been part of his or her life? To me, as a Gentile, it does not seem unreasonable to include such a person in this broadest category.

Both Christians and Jews need to work toward a new understanding of what it means to be "chosen of God," or God's people. In the early Church, as the number of Gentiles increased, the Jews who were followers of Jesus were seriously concerned. What should be done with Gentiles who convert? Some insisted that they must first become Jews — be circumcised (Acts 15:1). A church council was held (Acts 15:6-21), and the decision was made: a Gentile did not have to become a Jew to become one of God's people. The question today is reversed, and the Church has to face the question of what to do with Jews who convert. I believe that the answer is still the same. It is not necessary for a Jew to become a Gentile in order to be considered as one of the redeemed. I do not seek to proselytize the Jew because I believe that he or she is already one of God's people. I believe that all of God's people need continuously to repent (another word for convert, turn around), and I believe that my colleagues in the clergy, the Rabbis, are of the same mind.

As an Evangelical I rejoice in the greatly improved and improving relations between Christians and Jews. I appreciate the discernment that I see in Rabbi Rudin's article, for he knows that we Christians come in many varieties, some of us less likeable than others. I trust that what I have written will be accepted in the same spirit in which it has been written, and that as a result there may be still better understanding of each other. I hope and pray that we Evangelicals may have not only a permanent interest in Jews but that we may also be considered as permanent friends.

The Holocaust and the State of Israel: A Catholic Perspective

EUGENE J. FISHER

Introduction:

CATHOLIC THEOLOGIAN DAVID TRACY, following Arthur Cohen, fittingly describes the Holocaust as “theologically the *tremendum* of our age.”¹ Numerous Catholic as well as Jewish thinkers have grappled in the wake of the *Shoah* with the implications of the Holocaust for their respective theologies.² My point in this paper is not to rehearse that literature as a whole, but, rather, to focus on the more specific point of the theological nexus between the two chief “signs of the times” in contemporary Jewish history, the Holocaust and the rebirth of a Jewish state in *Eretz Yisroel*, and how those events have initially been reacted to in Catholic thought.

In the first place, the Holocaust challenged the traditional Christian “teaching” of contempt, which sought to denigrate Judaism as a religion, by bringing to the surface with horrifying clarity that tradition’s potential for evil. Secondly, the ingathering of Jews into the Holy Land and the emergence of a Jewish state there challenged that aspect of the teaching of contempt which saw in the destruction of the Temple and the dispersion of the Jewish people a sign of God’s wrath on the Jews for “rejecting” Jesus as their Messiah. If the Jews could return to the Land without first converting to Christianity *en masse*, obviously this polemic (and all its ancillaries) were disproven on historical grounds and would have to be theologically re-evaluated, a task begun officially by the Catholic Church just over two decades ago with the promulgation of *Nostra Aetate* (“In Our Age”) by the Second Vatican Council.

Obviously, the dismantling of so complex a set of theological presumptions as the teaching of contempt, described in the first part, embedded as they had become over the centuries in all strata of the Christian theological enterprise, has left some rather large holes in Christian thought. The second part of this paper then attempts to sketch, in prelim-

1. David Tracy, “Religious Values After the Holocaust: A Catholic View,” in A. Peck, ed., *Jews and Christians After The Holocaust* (Phila.: Fortress, 1982), p. 87; see Arthur Cohen, *The Tremendum: A Theological Interpretation of the Holocaust* (New York, 1981).

2. For surveys from a Catholic point of view of this literature, now quite extensive, see John T. Pawlikowski, O.S.M., *What Are They Saying About Christian-Jewish Relations* (N.Y.: Paulist Press, 1980); Michael McGarry, C.S.P., *Christology After Auschwitz* (N.Y.: Paulist Press, 1977); and Eugene Fisher, “Ani Ma’amin: Theological Responses to the Holocaust,” *Interface* (NCCB, December, 1980): 1-8.

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inary fashion, a positive Catholic theological response to the rebirth of the State of Israel in the specific perspective of the Holocaust.³

This Catholic response, while sensitive to biblical resonances, will be distinguished in Part Three from one which would see in Israel a "fulfillment" of the biblical promises. Rather, it reflects the Church's own "stake" in the Holy Land and, above all, the principles of peace and justice as developed in Catholic theory. The Church's stance toward the State of Israel today, it is argued, is no longer influenced by the ancient anti-Judaic polemics of pre-Vatican II times, but has developed on the straightforward grounds of the needs of Vatican statecraft and social ethics. This stance does not always coincide with that of the Jewish community on particular issues, but the discussion over our differing views today can and must take place within a common acknowledgement of Israel's fundamental right to existence and security.

1. *The Theological Framework*

To appreciate the difficulties that Catholics have had (and some continue to have) with a reborn Israel, one must first understand the theological notions that have influenced it. Though ancient, few of these notions (especially the negative ones) were ever embodied in the official teaching of the Church. Indeed, as we shall see, they actually contradicted the core truths of Catholic teaching and functioned to obscure, to some extent, the heart of the Christian message. Nonetheless, they were widely held and, to varying degrees, influenced the views of Christians, both Catholics and Protestants, laypersons and church leaders, for centuries. Their influence, while consciously repudiated by official statements beginning with Vatican II, can still be found among us today. It is difficult to shake off the presumptions and prejudices of centuries in a short time, even given the strong, and, I believe, wholly sincere efforts now going on within the church.⁴

I refer, of course, to that set of common beliefs which Jules Isaac summarized so trenchantly and so accurately as the "teaching of contempt."⁵ Briefly, this was the view that, with the coming of Jesus, the eternal covenant which was established on Sinai between God and the Jews was completely abrogated in favor of Christianity.

The Jewish "rejection" of Jesus, epitomized in the charge of deicide

3. John T. Pawlikowski, O.S.M. offers a number of helpful insights in his "The Challenge of the Holocaust for Christian Theology," (N.Y.: Anti-Defamation League of B'nai B'rith, 1983).

4. One measure of the effectiveness of these official efforts can be found in the startling reversal of attitudes toward Jews and Judaism to be found in current Catholic textbooks when compared to those produced in this country before the Vatican Council. See my *Faith Without Prejudice* (N.Y.: Paulist Press, 1977), Chapter Seven.

5. See Jules Isaac, *Jesus and Israel* (Holt, Rinehart, Winston, 1971). For a more complete bibliography see my *Faith Without Prejudice*, pp. 169-175.

against the Jews, had, in turn, led God to reject the Jews. Many Christians thus saw in the destruction of Jerusalem in the year 70 of the Common Era and in the ending of the Jewish state in the next century a form of divine punishment on the Jews for their alleged rejection of Jesus. In this way, the wandering Jew motif gradually came to be a sort of inverted proof of the triumph of Christianity.

In this view, Jews were needed. (There is no hint of genocide in this theory, even at its worst.) But they were needed negatively, as a living, suffering validation of Christian superiority. And, it was felt, they were also needed because their ultimate conversion to Christianity and subsequent return to their promised land would presage the second coming of Jesus and the End of Days, the *parousia* (see Rm 9-11).

While commonly held, this elaborate apologetic rather conveniently ignored deeper Christian realities which, indeed, it logically threatened. The Jewishness of Jesus, his disciples and, indeed, of the bulk of the early church was, for example, forgotten. Marcion, who had already carried this line of thought to its absurd conclusion in the second century by dismissing the Hebrew scriptures entirely from the canon, was fortunately condemned as a heretic. But many of his theories were carried on in the writings of later fathers such as John Chrysostom.

Likewise ignored was the fact that if the Jews alone are to be blamed for the death of Jesus, then gentile Christians would really have no access to the paschal mystery of Jesus' salvation. For, theologically, it is only to the extent that we as Christians accept responsibility for Jesus' death (through admission of our sins, for which he died) that we are enabled to participate in the hope of his resurrection.

The fact that this scenario — of Jewish rejection of Jesus-divine rejection of the Jews — clearly violated the biblical teaching on the eternal nature of the promise of the land (e.g., Gen. 12) did not seem to disturb the framers of this polemic. Nor, for that matter, did the fact that the Jewish diaspora had begun centuries before the destruction of the temple seem to bother them. Neither logic nor facts tend to get in the way of bad ideas which are commonly accepted.

Alongside this common negative tradition, of course, the authentic Christian teaching (e.g., Rom 9-11) was preserved, though it rarely surfaced. It was only with the two-fold challenges of the 20th century — the Holocaust and the rise of the state of Israel — that the teaching of contempt was finally put to its well-deserved rest on the junk-pile of history.

The Holocaust destroyed the myth by shattering the complacency of Christians. While by no means a direct outcome of Christian teaching (it would have occurred in the Middle Ages when the church held real power over the Jews had it been implicit in the Christian teaching), the Holocaust happened in supposedly Christian nations. And it had to be admitted that, without the centuries of negative stereotyping of Jews and

Judaism by Christians, it is unlikely that Hitler's manic anti-Semitism would have fallen on such fertile soil in Europe.

Likewise, the teaching of contempt meant that a reborn state of Israel was a theological impossibility. Only if the Jews converted first, the theory ran, could they ever hope to regain God's favor and, thus, the fulfillment of the promise first made to Abraham. The famous reply of Pope Pius X to Theodor Herzl's plea for papal support of the Zionist cause illustrates both of these factors:

We are unable to favor this movement. We cannot prevent the Jews from going to Jerusalem—but we could never sanction it. As head of the church I cannot answer you otherwise. The Jews have not recognized our Lord. Therefore we cannot recognize the Jewish people, and so, if you come to Palestine and settle your people there, we will be ready with churches and priests to baptize all of you (January 1904).

Thus, when Vatican II solemnly declared that the Jews could not, as a group be blamed for the death of Jesus, the lynchpin of an entire theological structure was clearly removed, leaving the rest of the pieces to collapse of their own unsupported weight. If the Jews cannot be said to have rejected and killed Jesus, there is no reason for God to be angry with them. And if there is no divine mandate for the Jewish wandering, there is no theological block to the resurgence of a Jewish state in the land of the promise.⁶

2. *Toward A Catholic Theological Appreciation of the Rebirth of a Jewish State in Israel*

Yom HaAtzmaut (Israel's Independence Day) should be a day of rejoicing for both Christians and Jews, a day of celebration and shared hope for the future. Moreover, it should be a day of reflection for all of us, as believers, upon the meaning of historical events, especially the Holocaust and the State of Israel.

Catholic appreciation of the significance of these events properly begins with listening, in dialogue, to the ways in which the Jewish community has attempted to wrestle with them. The American Bishops' 1975 Statement commemorating the Tenth Anniversary of the Second Vatican Council's Declaration on the Jews thus declared:

In dialogue with Christians, Jews have explained that they do not consider themselves as a church, a sect, or a denomination, as is the case among Christian communities, but rather as a peoplehood that is not solely racial, ethnic or religious, but in a sense a composite of all these. It is for such reasons that an overwhelming majority of Jews see themselves bound in one way or another to the land of Israel. Most Jews see this tie to the land as

6. My study of textbooks, referred to above, found no remaining traces of the "divine retribution" theory that Jews are condemned to wander the earth. The whole structure, therefore, has effectively disappeared from Catholic teaching, even on the "grassroots" classroom level. Other problems, however, such as the negative view of the Pharisees, still need work.

essential to their Jewishness. Whatever difficulties Christians may experience sharing this view, they should strive to understand this link between land and people which Jews have expressed in their writings and worship throughout two millennia as a longing for the homeland, holy Zion.⁷

Both Jewish and Christian thinkers have stressed that the rebirth of Israel cannot be understood fully except against the background of the Holocaust, the massacre of some six million European Jews under the Hitler regime. Against a background of unspeakable horror, and after a third of its people had been exterminated, Judaism began the work of rebuilding its people and its commitment to the future. Refusing to slide into an easy despair about the nature of God and humanity, the survivors set about building a new nation based on universal principles of social justice. Israel's experiment in democracy, like America's, remains an unfinished task. But the very fact of its effort is an affirmation of the dignity of the human person, all the more astounding in view of the ultimately depersonalizing effects of the death camps.

The meaning of Israel is a message of hope, not only for Jews, but for all peoples of faith throughout the world. Tragedy, however seemingly implacable, need not lead us to abandon the struggle for survival in a post-modern world. Nor does the nature of our survival need to be merely petty or self-serving. One can survive and still strive for the betterment of others. The cycle of victim and oppressor can be broken.

Israel thus exists as a burst of hope rising out of despair; as an affirmation of life spoken amid the vivid memories of death; as a cry of joy hurled in the face of doom; as a statement of love that survived an abysmal hatred.

It is our Prayer, as Catholics no less than Jews, that no people ever again be put to such a test, beyond all human endurance or belief.

Rabbi Irving Greenberg sees this reality in a theological framework:

The real point (of Israel) is that after Auschwitz, the existence of the Jew is a great affirmation and act of faith. The re-creation of the body of the people, Israel, is renewed testimony to Exodus as ultimate reality, to God's continuing presence in history proven by the fact that his people, despite the attempt to annihilate them, still exist.⁸

The very existence of Israel can thus be a symbol of hope and faith for all struggling peoples. The Jewish people, descendants of those who lived through the first Exodus, have seen its meaning reaffirmed in our time. The Exodus serves as a powerful sign to all of the possibility of true liberation from oppression. This is a fact which calls for profound reflection. To every person of faith it is a fact which elicits a response of faith, a renewal of our commitment to the best in our own traditions, and a deep

7. Statement on Catholic-Jewish Relations, National Conference of Catholic Bishops, Nov. 20, 1975.

8. Irving Greenberg, "Theological Reflection on the Holocaust," in E. Fleischner, ed., *Auschwitz: Beginning of a new Era?* (N.Y.: KTAV, 1977), p. 48.

sense of confidence in the ultimate meaningfulness of God's creation. In this sense, Jews and Catholics can share in the great Amen. *Ani Maamin* — I believe, we believe — in peace, in justice, in belief itself.

3. *Biblical Promises and the Search for Peace with Justice*

One will note, in the above, that I did not deal with the theology of the emergence of a Jewish State in the Holy Land as a "fulfillment" of biblical promises, but, rather, as a "sign of the times," a statement of the Jewish people's faith in God which should evoke in Christians a similar spiritual affirmation of hope out of despair of our age. While I acknowledge that there are those in both the Christian and Jewish communities who would see in the modern state of Israel such a fulfillment, my own approach to Israel as historical event ("sign of times") does not require that view. Neither does such an approach to the biblical text appeal to Catholic biblical scholarship.

The existence and validity of the state, for me, rest quite securely on grounds of international law and morality. Israel as a State exists as a response to the needs of the times, as a morally necessary refuge for Jews not only from oppression in Europe (the Holocaust), but also other areas of the world. Often one hears it said that Israel is a "Western" solution to a "Western" problem (anti-Semitism) imposed on the Arab world, an extension, really, of Western "imperialist" arrogance. Yet the fact is that the majority of Jews in Israel are refugees, not from the West, but from Islamic nations, so this argument has little force in reality. The first step toward peace in the Middle East must, therefore, be the recognition by all parties of the legitimacy of the State of Israel.

Any Christian, I suspect, will feel the resonance of the biblical promises when approaching Israel. Yet one cannot find in these promises, properly understood, nor in the resultant covenantal bond between this particular people, the Jews, and this particular land, Eretz Israel, the notion that, on *biblical grounds* that attachment to ("possession" of) the Land must result in a given form of sovereignty ("statehood") or boundaries. The Bible — and here I think I would speak for many of my fellow Catholics — cannot be used in the negotiating process to justify any specific claims to particular boundaries. Rather, Catholics would see peace with justice for *all* parties in the region coming out of a negotiated settlement among all affected parties, *including the Palestinian Arabs*. Only in such a way can true peace and security be achieved in the region.

Catholics, in general, and the Holy See, in particular, today strongly and clearly recognize the right, *de jure* as well as *de facto*, of the State of Israel to exist as a Jewish state within secure boundaries. Today, this is no longer a question for the Church, though it may have been in the early days of Zionism.⁹ Any lingering doubts on this score should have been

9. E. Fisher, "The Church's Stance Toward Israel and Jerusalem," *Origins* (Vol. 9, no. 10;

resolved by the Pope's recent meeting with the Prime Minister of Israel and his ringing affirmation of the State made in his 1984 Good Friday apostolic letter, *Redemptionis Anno*, when he declared:

For the Jewish people who live in the State of Israel and who preserve in that land such precious testimonies to their history and their faith, we must ask for the desired security and the due tranquility that is the prerogative of every nation and condition of life and of progress for every society.¹⁰

While the establishment of full diplomatic relations between the Holy See and Israel is still lacking (and is admittedly of great symbolic importance, especially in the Jewish community) the fact that the Holy See recognizes Israel can no longer be gainsaid.

The same apostolic letter which so unequivocally recognizes Israel's rights and need for security also raises for consideration, in the dialogue between our two communities, several areas in which Catholics and Jews may not see eye to eye. The Pope, for example, speaks of the necessity of face to face (one might say, *panim al panim*) negotiations with "the Palestinian Arabs, who are waiting rightly for a just and adequate solution to their pressing needs." And, perhaps referring to those who would argue that Israel should annex the West Bank, he adds: "No people can be sacrificed to the destiny of others."

Jerusalem, too, remains a complex issue for the dialogue. While affirming the religious attachment of all three Abrahamic faiths to the Holy City, the Pope acknowledges the uniqueness of the relationship between the Jewish people and Jerusalem. *Redemptionis Anno* states:

Jews ardently love her, and in every age venerate her memory, abundant as she is in many remains and monuments from the time of David who chose her as the capital, and of Solomon who built the Temple there. Therefore, they turn their minds to her daily, one may say, and point to her as the *sign of their nation* (italics added).

The Holy See, then, has no objections in principle to *Israeli sovereignty* over the city of Jerusalem, or to Israel's choice of where to put its capital. But, on the basis of its consistent policy favoring a negotiated settlement of the issues, it did admonish against such "unilateral" actions as the Knesset's "Basic Law" on the city and has argued that there needs to be some mechanism of international law guaranteeing both access to the Holy

August 16, 1979): 158-160. While Pius X's negative response to the Zionist cause in his meeting with Theodor Herzl in 1904 is well known, less well known is the communication two weeks later by Cardinal Merry del Val, the Vatican Secretary of State: "If the Jews believe they might greatly ease their lot by being admitted to the land of their ancestors, then we would regard that as a humanitarian question. We shall never forget that without Judaism, we would have been nothing." Cited in James Rudin, *Israel for Christians* (Philadelphia: Fortress Press, 1983), p. 121.

10. For commentary on *Redemptionis Anno*, see E. Fisher, "Rome Looks at Jerusalem: The Pope and Israel," *Commonweal* (Vol. 112, no. 1; Jan., 1985): 16-17.

Places and the religiously pluralist character of the city that would be in effect no matter who holds sovereignty over it.¹¹

The Holy See, as reflected in *Redemptionis Anno*, is concerned with “not only the sacred places, but the whole historical Jerusalem and the existence of religious communities, their situation and future.” These are, I believe, legitimate interests of the Church¹² and constitute no major substantive problem for the Israelis, since the wise administration of Mayor Teddy Kolleck and Israeli law already guarantee these rights.

There is need for frank dialogue between Catholics and Jews on these issues, of course, since our interests and concerns do not always coincide. Such exchanges, while lively, can be quite productive, especially if we acknowledge at the outset that there are ranges of views on these issues within both our communities (and certainly within Israel!), so that those who disagree with this or that policy decision of the Israeli government are not automatically labelled “anti-Israel.” (While that can be true it is not necessarily true today.)

Speaking of labels, I would like to make one final point on a recent trend that increasingly disturbs me. This is the tendency to use the Holocaust as an analogy for discussing “the Palestinian problem” (even that term, of course, is a play on “the Jewish question”). This equation, in essence, appropriates the tragedies of the Jewish people in the 1930s and 1940s and applies them (rather simple-mindedly) to more recent Palestinian experiences. Thus, Palestinians are called “the new Jews of the Middle East,” living in a Palestinian “diaspora.” Israel, in turn, is likened to Nazi Germany, with an “expansionist” foreign policy pushing out for “living space” and depicted as running “concentration camps” for Palestinians on the West Bank. Israelis are accused of “anti-Semitism” and Zionism is equated with racism.¹³

I believe this analogy to be truly invidious because it robs *both* Palestinians and Jews of their own unique identities. The Palestinians surely do

11. For a time, the Vatican gave support to the U.N. resolution of Dec. 9, 1949 calling for internationalization of the city. Pius XII's encyclical *In Multiplicibus* (1948) asked that “an international character” be given to Jerusalem and *Redemptoris Nostri* (1949) called for an “international status of the city.” Following the Six Day War (1967), however, papal statements appeared to call for more limited goals. Pope Paul VI's allocution of Dec. 23, 1968 expressed hope for “an internationally generated regulation of the question of Jerusalem and the holy places” and, on June 24, 1971, for an “internationally legal safeguard” for the city's holy places and religiously diverse population.

12. They are certainly long-standing concerns, as can be clearly seen in the original charge given by Pope Clement VI in 1304 naming the Franciscan Order as official *custos* of the Holy Land: “To preserve the holy shrines of our religion and to keep alive the faith in these places which were hallowed by the life and death of the redeemer.” Cf. *The Crusader's Almanac*, 1896, as cited in *American Catholic Interest in the Holy Land: 1880-1980*, by Rev. Joseph G. Kelly in a paper delivered at the University of Rochester, April 3, 1978.

13. Cardinal Joseph Bernardin, speaking as president of the National Conference of Catholic Bishops, condemned the U.N. resolution equating Zionism and racism as “unjust and discriminatory” on November 11, 1975.

not need to appropriate the categories of Jewish history in order to tell their own story. Their past troubles and current, very real needs should speak for themselves. It only confuses the record to filter them through the categories of Jewish suffering. Likewise, there is something not only distasteful but monstrously evil in denying to the victims of Auschwitz the honor due to their memory and invoking that sacred memory for contemporary political purposes. The six million died precisely and only because they were Jews. Being Jewish *was* their tragedy. Such use of the analogy is nothing short of sacrilege.

This is not to deny that the invoking of the Holocaust can be overdone and abused also by well-intentioned Christians and Jews arguing their case for Israel. It can be, and that has been rightly commented upon by American Jewish and Israeli commentators. Israel deserves deeper support than that motivated by guilt. It is an imperfect but vibrant democracy and a staunch ally to America. It is a refuge for Jews but also a sign of hope in a troubled world. It is Eretz Yisroel.

Christian-Jewish Relations: Still a Way to Go

HENRY SIEGMAN

ONE OF THE MOST REMARKABLE CHARACTERISTICS of our age is the new openness between Judaism and Christianity. We perceive one another, and we are able to talk to each other, in ways that were inconceivable even a generation ago.

It seems only yesterday, shortly after Hitler came to power and removed the citizenship of all Jews in Germany, that Dietrich Bonhoeffer said to a conference of professing Christians that, from the perspective of religious faith, Hitler could not be faulted. "The Church of Christ has never lost sight of the thought that the 'chosen people' who nailed the redeemer of the world to the cross must bear the curse for its action through a long history of suffering," he declared. From that suffering, he went on to say, they could be delivered only by their conversion to Christianity.

And it was none other than Cardinal Bea, the moving spirit behind *Nostra Aetate*, who wrote *after* Vatican II, that the Jewish people "is no longer the people of God in the sense of an institution for the salvation of mankind. . . . Its function in preparing the Kingdom of God finished with the advent of Christ and the founding of the Church."¹ No wonder that *Nostra Aetate* finds the Jewish people "most dear" for the sake of the pre-Christian patriarchs, but not for any subsequent religious contribution.

What a totally different sensibility is expressed in the "Guidelines for the Implementation of *Nostra Aetate*," adopted only a decade later. Those guidelines declare that the Church does not aim at the disappearance of Judaism, but seeks a living link with it. It views Judaism as a vital religious faith even after the rise of Christianity and urges Christians to open themselves to Jewish religious categories and self-definition. And, of course, one can point to numerous Protestant statements that express a similar sensibility, such as the Statement of the Faith and Order Commission of the World Council of Churches, 1968, and the Statement of the Synod of the Rhineland Church, Germany, 1983.

One would like to believe that this new religious irenicism is the consequence of theological development, of profounder and more authentic insights into those ultimate truths in which our unique faith commitments

1. Augustin Cardinal Bea, *The Church and the Jewish People* (New York: Harper and Row, 1966), p. 11.

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are grounded. One would like to believe that it is a greater immersion into the mystery of the Cross that has led the Church to this new understanding of the continuing value of Judaism. One would like to believe, too, that it is a greater understanding of the mystery of the Revelation at Sinai and of the classical sources of Judaism that has allowed Jews to open themselves to the spirituality and piety of Christian life and thought.

But, in fact, that is not the case, and to pretend otherwise is no service to the interreligious enterprise and certainly no service to truth. The ultimate truth that determines the unique identity of our faith as Christians and as Jews, the truth of Calvary and of Sinai, does not bring us together. It divides us. It is, rather, the embarrassment and the shame over the consequences of *our human understanding* of those truths, our recognition of the suffering and cruelty committed in their name, that has compelled us to undertake the reshaping of our theologies, to civilize and humanize our dogmas, to discard the demonologies that we have fashioned of each other.

The fact is that the norms of a secular humanism have had a profounder impact on the new ecumenism than have our religious norms. Left to their own devices, our religious norms produce the scandal of so noble a religious soul as Bonhoeffer finding Christian sanction for the brutal treatment of the Jews. Left to their own devices, they would not have produced a Vatican II document celebrating the sacredness and inviolability of individual conscience.

Some years ago, in a paper which I read at a Catholic-Jewish encounter in Jerusalem, I sought to reply to the criticism of a Dutch theologian that our interreligious dialogues are inadequate and barren, for they avoid the question of ultimate truth. I tried to explain — somewhat defensively — the Jewish avoidance of the question of truth with the argument that Jews come to the dialogue with a different agenda than do Christians; that, for us, the problem is history — specifically, Christian persecution of Jews — while for Christians the problem is theology — i.e., the persistence of Jewish rejection of Christianity. I also argued that Jewish religious thinking was always marked by a certain theological reticence, a reluctance to concretize in theological formulations the Jew's encounter with the divine. In the words of the late Uriel Tal (drawing on Rabbi J.B. Soloveitchik's "*Ish Ha'halakhah*"), according to the Torah, God and his manifestations cannot be mediated, only interpreted, and the halakhah contains that interpretation.

While these arguments are valid, they miss the point, for it is not about our ultimate truths that we need to be in dialogue. The incommensurability of those ultimate truths aside, they are not what brings us together, what opens us to each other's religious authenticity. Rather, as Abraham Joshua Heschel insisted, it is the terms underlying those ultimate truths, namely, "whether there is pathos, a divine reality concerned with the destiny of men which mysteriously impinges upon history" that

brings us together. The supreme issue, Heschel wrote, is whether we — Christians and Jews — are alive or dead to the challenge and expectation of the living God. It is our awareness that, despite the “no” which we say to each other on the question of ultimate truth, what makes our dialogue possible is that we both remain accountable to God and objects of His concern. If we are all precious in God’s eyes, then we must find the courage to question those aspects of our human understanding of our ultimate truths which diminish that preciousness. That is a task which is yet unattended in both Christianity and Judaism.

Christianity has yet to deal with its “Jewish problem,” both historically and theologically. While there are notable exceptions, it is not unfair to say that, by and large, the history of the Church’s persecution of Judaism and of the Jewish people is even today not part of its consciousness. While there has taken place a lively debate about the role that the Church played during the Holocaust, that debate is beside the point. For even if its role during this difficult period had been exemplary, the fact remains that the Nazis were able to go as far as they did because Western culture had been thoroughly steeped in Christian dogmatic and theological hostilities toward the Jew. Of course, Nazism was a reversion to paganism, and at heart as anti-Christian as it was anti-Jewish, but its poison would not have found so fertile a seedbed if the Church had not been a knowing and willing participant in the centuries-long demonry of anti-Semitism.

Major Christian documents on this subject do not face up to this inescapable truth. Instead, we find what amounts to a pretense that anti-Semitism is one of many forms of intolerance which, it should go without saying, the Church clearly rejects. From the Jewish perspective, this is an egregious distortion of the historical and theological problem that brings us to the dialogue.

While the official Church has failed to deal with this problem, it is being dealt with — with great courage and sensitivity — by a number of leading Christian theologians. I wish that a similar statement could be said of Jewish efforts to deal with Jewish theology and its implications for a meaningful religious pluralism.

I do not wish to create a superficial and false equality between Christianity’s Jewish problem and Judaism’s Christian problem, even for the sake of interreligious *politesse*. But that hardly takes Judaism off the hook, for we Jews have yet to work out a satisfactory stance toward a pluralistic world and, more specifically, toward Christianity.

It is interesting that an Orthodox scholar first raised this issue in the pages of an Orthodox publication.² He dismissed the clichés of traditional Jewish apologetics on this subject as “barren and misleading.” It is no longer enough, he writes, “to cite the Me’iri for his broadmindedness, or to scurry about in the self-satisfaction of saving a Gentile’s life on the

2. Gerald Blidstein, “Jews and the Ecumenical Dialogue,” *Tradition*, Vol. XI, No. 2 (Summer, 1970): 103-113.

Sabbath.” Furthermore, he urges a re-examination of the image of Christianity in traditional Jewish pedagogy and folk culture, which still tends to be defensive and hostile, “the pieties about *b’nai Noach* notwithstanding.”

The Jewish “Christian problem” runs ever deeper. To be sure, there are classical Jewish sources that affirm the religious worth of Christianity. Yehuda Halevy writes (Kuzari IV) that “these religions (Christianity and Islam) are the preparation and preface to the Messiah we expect.” Maimonides, in his Code, writes:

All these matters relating to Jesus of Nazareth and the Ishmaelite (Mohammed) who came after him served to clear the way for the King Messiah, to prepare the whole world to worship God with one accord . . . Thus, the Messianic hope, the Torah and the commandments have become familiar topics of the Far Isles and many peoples. . . .”

According to a more recent Jewish thinker, Rabbi Jacob Emden (1693-1776), Christianity and Islam will “endure” because they constitute a community that is “for the sake of heaven.” They are seen by him as acknowledging the fundamentals of Judaism. They

make known God among the nations . . . proclaim there is a Master in heaven and earth, divine providence, reward and punishment . . . This is why their community endures . . . Since their intention is for the sake of heaven, reward will not be withheld from them.

This attitude also characterized the views of Nachman Krochmal (1784-1840) and Abraham Isaac Kook (1865-1935). But one must concede that even these classical authorities do not accord to Christianity the religious dignity that it demands, or that Jewish faith itself demands.

The question which Jewish theology has failed to confront is: given the Jewish understanding of God’s role in history, can so pervasive and universal a phenomenon as the rise and spread of Christianity — over two millennia and over much of the globe — exist outside of God’s providence and salvation? Is it conceivable that the beliefs, the faith, the piety of generations who worship Him as Christians are of consequence to the Lord of History only to the extent that these are not inconsistent with the faith of Israel? To think of Christianity as virtually an accident of history — albeit inspired by Jewish monotheism — is to trivialize the God of Israel. What I am suggesting is that Judaism has failed to treat Christianity with the seriousness that its own theology demands. That seriousness, that understanding of Christianity as God’s agent in history, does not compromise the mystery of Jewish chosenness; Jewish understanding of the infinite love of God accommodates many choosings, for many purposes. Nor does it qualify Jewish rejection of the divinity of the Christian messiah.

For all the important progress that we have made, Jewish-Christian dialogue is still in its infancy. Difficult issues are still to be faced, and lingering triumphalisms are still to be dealt with. Furthermore, the tide of fundamentalism that seems to be sweeping all religious faiths will undoubtedly slow down, if it will not set back, the process. But its historical direction and its inexorability are no longer in doubt.

Koheleth and Camus: Two Views of Achievement

MATTHEW J. SCHWARTZ

THE CONTEMPORARY WEST WIDELY ACCEPTS the belief that career, success, and achievement are, per se, goals of prime importance. This approach forms, in some measure, the philosophical basis for many of the new currents and isms in western society and politics and seems integral to psychology's view of the stages of human development, adolescence, midlife crisis and aging — each stage presenting certain demands and seeming to create certain criteria for judging individual progress. There is an ancient pattern of thought, a certain set of ideas, which underlies this approach to life and which has appeared often in one form or another from antiquity to the present. Three of these ideas, which may seem, at first glance, unconnected are cycle, achievement and tragic heroism.

I shall argue here that the notion of cycle and the attitude that a strong personal identity must be based on achievement are, in fact, deeply intertwined. Further, the concept of the tragic hero is also natural and necessary to this context. Rabbinic thought, in contrast, dislikes cycle and tragic heroism and views human accomplishment not as a purpose of human life but as a by-product of a more important endeavor — work.

Let me mention briefly several famous examples of cyclical views. They appear in literature from earliest antiquity, first in the concept of fertility cycles intertwined with the pagan beliefs in gods who die in Autumn and return to life in Spring, e.g., Thammuz, Osiris, Persephone. Greek thought was much pervaded by the notion of cycles: a man is raised up only to be overcome by *hubris*, overweening pride, and cast into *nemesis*, retribution, the nadir of the cycle.

Historians have often tended to see the story of nations in terms of a cycle: primitive peoples conquer established civilizations, become themselves civilized and are, in their turn, conquered by other primitive warlike invaders. Ibn Khaldun, Gibbon, Hegel with his construct of thesis-antithesis-synthesis, and Arnold Toynbee (one might add Karl Marx) exhibit this trend of thought.

The common element in all of the tragic cycles is that man lives in the face of an inevitable end. He is alone and his activities are, in the long run, futile. The best for which he can hope, the most admirable state, is that of

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the tragic hero, the individual who struggles against overwhelming odds with no real hope, however, of effecting any change. This is Prometheus, this is the *Man of La Mancha* and his “impossible dream.” His efforts, as Aristotle points out in the *Poetics*, the classic treatment of Greek tragedy (Chapter 13), lead to misfortune and arouse pity; the very greatness of his heroism lies in the totality of its uselessness.

Sisyphus: Tragic Hero

The notions of both cycle and tragic hero appear in Albert Camus’ great existentialist work, *The Myth of Sisyphus*,¹ while *Kohleth* can be viewed as a useful model for a contrasting Jewish attitude.² In the ancient Greek myth, Sisyphus, a clever fellow and the father of the illegitimate and crafty Odysseus, is condemned, for various crimes and tricks against the gods, to push a boulder to the top of a hill and over. However, each time, just before he reaches the top, the boulder rolls back down, and Sisyphus must push it up all over again, surely an utterly futile existence.

For Camus, Sisyphus as a tragic hero represents an existential model. The picture is horrifyingly stark and uncompromising. The hero must accept only that the world is totally absurd, and he must refuse any sort of consolation, hope, or reliable principles (p. 19). Halfway measures are meaningless and unworthy. Everything must be explained or nothing (p. 20), although, in truth, “any principle of explanation is useless” (p. 75). “Between everywhere and forever there is no compromise” (p. 61). Camus sees as the only true human achievement the ability of the individual to struggle even when he has realized and accepted that there is neither earthly achievement nor life after death. The overwhelming misery of Sisyphus’ existence is elevated only by the painful consciousness of ultimate futility that touches him each time he pushes the stone to the top of the slope and then sees it roll back down again. In this moment of thought lies Sisyphus’ tragic magnificence, his most meaningful and lucid insight into the human condition.

Since man learns nothing new, the cycle must repeat. In fact, tragic man, thus basing his sense of worth on his imperfect achievements, perhaps has as strong an urge toward failure as toward success. In the *Poetics*, Aristotle writes that the arousal of fear and pity in the audience in response to the hero’s suffering is a chief feature of the drama. The grandeur of the lost cause arouses much attention and is a very attractive notion, whatever its impracticality. As there is no resolution to this pattern and the individual must fail in his search for ultimate achievement, he may at least seek to develop a defense mechanism. He may try to maintain

1. See Albert Camus, *Myth of Sisyphus*, tr. Justin O’Brien (New York: Penguin Books, 1975). Camus alters some of his ideas in his other works, e.g., *The Plague*.

2. Robert Gordis, *Kohleth: The Man and His World* (New York: Schocken Books, 1968), discusses major differences between Kohleth and modern existentialism, Chapter XIV.

some illusion of mastery, stay one step from the seeming threat of personal annihilation by showing awareness of his miserable state. Although defeated from the start, by resorting to indifference (Camus, p. 69) and accepting the totality of absurdity, he still evinces some sense of mastery. Sisyphus personifies Pascal's famous statements, "Man is but a reed, the weakest in Nature, but he is a thinking reed. . . . He is great because he knows that he is miserable."³

The protagonist in the tragic cycle, as portrayed from the ancient Greek playwrights down to Camus, is also burdened by his grandiose need to avoid accepting any limitations on his power or freedom. The world seems alien and threatening, and only by means of his heroic achievements can the hero become worthy to surpass or transcend these limitations. Again this effort can end only in failure. No amount of achievement can prevent the onset of nemesis. It is significant, too, that Sisyphus pushes his burden alone. He has no companion, no fellow, no kin with him.

Koheleth and Work

The Book of Koheleth, often viewed by scholars as the most modern book of the Hebrew Bible in its thinking, seems to reject implicitly this pattern of cycle — achievement — here so essential and so self-devouring in the existential approach of the *Myth of Sisyphus*. Koheleth has some very searching questions, as does Camus, but cycle is merely a problem with which to deal, not the all-determining basis of human existence. Koheleth's world is neither meaningless nor absurd, and man may work, learn and be happy. Let us view Koheleth's rejection of the cycle-achievement-hero design, an approach shared by later rabbinic thought. In chapter one, Koheleth does, indeed, speak of a cycle:

What profit has a man of all his toil beneath the sun? One generation goes and another comes, but the earth is forever unchanged. The sun rises and the sun sets, breathlessly rushing towards the place where it is to rise again. Going to the south and circling to the north, the wind goes around and round, and then returns upon its tracks. All the rivers flow into the sea, but the sea is never full; to the place where the rivers flow, there they continue to flow (1:3-7).⁴

This is the cycle of seasons, one might say the ecological cycle, but not a deterministic cycle of nations or of human lives, not some mystical Fate. It is the same pattern which God established to reassure Noah after the great flood, a gracious gift to man and not a chafing burden. This pattern sets certain parameters for human activity and wisdom, but it does not foredoom the individual or greatly limit his ability to be useful, produc-

3. Blaise Pascal, *Pensées*, 6:347 and 397.

4. This translation as well as that from Koheleth 3 are from Robert Gordis, *Koheleth: The Man and His World*.

tive, or content. There is no indication that Koheleth sees this nature cycle as nefarious or threatening.

The famous third chapter may at first seem to describe a cycle but, in fact, does not.

Everything has its appointed time, and there is a
 season for every event under the sky.
 There is a time to be born, and a time to die,
 A time to plant and a time to uproot,
 A time to kill and a time to heal,
 A time to wreck and a time to build.
 A time to weep and a time to laugh,
 A time to mourn and a time to dance,
 A time to scatter stones and a time to gather
 them,
 A time to embrace and a time to hold off embraces.
 A time to seek and a time to give up,
 A time to keep and a time to cast off,
 A time to tear and a time to repair,
 A time to be silent and a time to speak.
 A time to love and a time to hate,
 A time of war and a time of peace.

This is not a regular pattern of events, not life in a circle. In fact, it is truly not a description of events at all. Rather, it is advice that various situations can arise, each requiring its appropriate and useful response from the individual. Some circumstances may require keeping and some casting off, some peace and others war and so on. Indeed, many things come from God and are beyond human reach, but man need not feel helpless or doomed. To recognize mortal limitations and to accept divine omnipotence need not threaten the individual with annihilation.

Koheleth has a dilemma, as does the Greek tragic hero, but the fulcrum is not whether the individual should go on living in a world that has no use for him. Camus says, "There is only one truly serious philosophical problem and that is suicide. . . . The fundamental subject of *The Myth of Sisyphus* is this: it is legitimate and necessary to wonder whether life has a meaning; therefore it is legitimate to meet the problem of suicide face to face" (pp. 11 and 7).

Koheleth is not touched by suicidal doubts. Rather, he wonders, if the world functions so well, what is left for man to improve or to create?⁵ "What profit hath man of all his labor wherein he laboreth under the sun. . . . There is nothing new under the sun. Is there a thing whereof it is said: See this is new? It hath been already in the ages which were before us" (1:3-10). This is not a mere academic exercise; it is a deeply troubling

5. Rabbinic literature does, in fact, contain the notion that the world was not created in a perfect state and that man may, and should, improve it, e.g., "Everything that was created in the first six days needs improvement. . . ." *Pesikta Rabati* 23.

See also J.D. Soloveitchik, *Halakhic Man*, tr. L. Kaplan (Philadelphia: Jewish Publication Society, 1983), Ch. 2.

question. Yet, while the ultimate answer is not to be found, there is enough to do in the meantime and Koheleth seeks to learn, to understand, and to do. "And I applied my heart to seek and to search out by wisdom concerning all things that are done under heaven" (1:17). Wisdom can, indeed, increase man's sensitivity and his pain: "For in much wisdom is much vexation" (1:18). But wisdom is still a good thing: "Then I saw that wisdom excelleth folly as far as the light excelleth darkness" (2:13). There is no suggestion that human wisdom's truest value lies in making man feel his misery. Misery is miserable, not sublime. Man need not feel impelled toward a pitiable fate; he need not live in the rarefied yet horrifying pattern of the tragic hero, of Prometheus and Antigone. He can enjoy life, and God sees this as good. "There is nothing better for a man than that he should eat and make his soul enjoy pleasure for his labor. This also I saw that it is from the hand of God" (2:24).

In contrast to Sisyphus, a man ought not to live alone. Association with others can be frustrating, yet, "See life with the woman whom thou lovest" (9:9) and "The three-fold cord is not quickly severed" (4:12). One cannot be totally egocentric. Koheleth opposes many aspects and implications of the cyclical-heroic view. Camus rejects belief in God and any notion of human immortality and sees in this rejection the basis of human freedom. Koheleth feels that man is, by nature, morally free and can reach some sort of accommodation with God. The problem is neither God nor the universe nor man. There exists, rather, the practical question of what shall man do that will make a difference. Camus sees the moment of Sisyphus' realization of his misery as his nirvana, the whole meaning of his being. Koheleth prizes wisdom, but does not see it as the sole value or as being effective without body. There is no mind-body split. Koheleth is troubled by the very real dilemma of misery caused by factors beyond man's power. However, this is not the only issue in life, and one need not despair totally if he cannot resolve it. In any case, some miseries are within human power to remedy. The world is not seen by Koheleth as alternating starkly between two poles of hubris and nemesis, success or failure, all or nothing. The question is not life or suicide: to be or not to be. Rather, granted that there is life and there is death, how should man react? There is no fencing with the illusion of a final answer. Rabbi Tarfon would say very succinctly centuries later, "It is not thy duty to complete the work but neither mayest thou desist from it" (Mishna *Avot* 2:16).

Rabbinic literature consistently emphasized and elaborated this view of work vs. achievement, of progressing within the possible vs. trying heroically to swallow the whole. Let it suffice to cite but a few examples of many.

R. Johanan says — Whoever is foolish says, "Who can learn the Torah that is in the Sage's mind?" Whoever is wise says, "Did not he (the sage) learn it from someone else? But I shall study two laws today and two tomorrow until I learn the whole Torah." . . . Whoever is foolish says, "What does it help me

to study Torah and forget it?" Whoever is wise says, "Does not the Holy One give reward for toil?" (Midrash Leviticus *Rabbah* 19.2.)

Rabbi Yehudah Loew, the famed Maharal of Prague, wrote a lengthy comment on R. Tarfon's dictum:

... One should not argue that just as an employer does not pay one whom he had hired to build a house and who did not finish it, so one will not gain reward from the Torah until he completes it. On this it says, "It is not thy duty to complete the work," for the Torah was given only so that one should toil in it. However, to complete the Torah is not man's province ... A human being does not reach a condition of peace or wholeness (*shelemut*), for this is not the essence of man. Therefore, "it is not thy duty to complete the work" entirely, as man was not created for this end; and one should not think that the reward for studying the Torah is like that for taking the lulav, which, when he takes it one time, he has freed himself from further obligation for that day, so that if he studies through the Torah once he is freed from studying it again ...⁶

Work is, thus, an end in itself, and achievement is a concept inapplicable to people. Being rewarded with adulation and a beer after winning a ball-game has little place in rabbinic thought.

R. Samson Raphael Hirsch, in his comments on Exodus 20:10, also deals with this issue:

Six days shalt thou serve and do all thy work, is it then possible for any man to have done all his work in six days, but it means, "שבות" cease work, make Sabbath, and consider all your work as completed. The value of your work is not measured by having accomplished any fixed end that you have set yourself, but by honest efforts to achieve an end that is pleasing to God. And just as it is certain that the faithful worker in God's world has completed his work on the day God calls him away from this world — however little he may actually have accomplished, as long as what he did do, or even only commenced to do was the whole of what his powers and abilities enabled him to do — so each one of us has completed his work with the entry of each Sabbath. It is the Master who then says "enough!" and if what we have done is enough for Him, it is enough for ourselves!⁷

Perhaps the quintessential Jewish statement on achievement is the *bon mot* attributed to R. Israel Salanter (1810-1883) founder of the Mussar movement in Eastern Europe, "There are three things which no one need do. One need not initiate, one need not complete, one need not accomplish."⁸

One can imagine Sisyphus still suffering grandiosely and uselessly under the burden of his boulder. Koheleth, by contrast, continued to work as a teacher and scholar, "and set in order many proverbs, Koheleth sought to find out words of delight and that which was written uprightly even words of truth" (12:9-10).

6. *Derekh Hayyim*, 2:16.

7. S.R. Hirsch, *The Pentateuch* II, tr. I. Levy (Gateshead, England: Judaica Press, 1976), pp. 269-270.

8. From Yiddish, "*Nisht nochtun, nisht optun, nisht aufun.*"

Because of Our Many Sins: The Contemporary Jewish World as Reflected in the Responsa of Moses Feinstein

IRA ROBINSON

I. Introduction

UNTIL RELATIVELY RECENTLY, scholarship on North American Judaism tended to ignore Orthodox Judaism, or, insofar as this was not possible, to accommodate Orthodoxy within an essentially denominational pattern including Conservative and Reform Judaism. In the past two decades, however, there has been a new appreciation of the growing importance of Orthodoxy on the contemporary North American Jewish scene and, along with it, a growing scholarship on it.¹ This scholarship, predominantly sociological and, by its nature, descriptive, has greatly added to our understanding of the phenomenon of contemporary Orthodox Judaism and its concerns. In this context, a dichotomy of opinion within Orthodoxy itself has been studied and Charles Liebman has described it “modern,” on one side, and “sectarian” on the other. “Modern” Orthodoxy takes seriously its place in a North American Jewish universe of discourse. Thus, “modern” Orthodox Jews feel themselves to be a part of a larger Jewish community with a significant connection to the non-Orthodox. For the “sectarian” Orthodox, on the other hand, *they are* the Jewish community, and any expression of “Jewishness” has legitimacy only insofar as it accords with *their* norms and standards.²

While, as late as the 1950s, observers could dismiss the “sectarian”

1. The major studies in the field include Charles Liebman, “Orthodoxy in American Jewish Life,” in *Aspects of the Religious Behavior of American Jews* (New York, 1974); Samuel C. Heilman, *Synagogue Life: A Study in Symbolic Interaction* (Chicago, 1976), and *The People of the Book* (Chicago, 1983); William B. Helmreich, *The World of the Yeshiva* (New York, 1982); Egon Mayer, *From Suburb to Shtetl* (Philadelphia, 1979). For historical accounts of American Orthodoxy, see Jonathan D. Sarna, *People Walk on Their Heads: Moses Weinberger's Jews and Judaism in New York* (New York and London, 1981), pp. 4-29; Jeffrey Gurock, “Resisters and Accommodators: Varieties of Orthodox Rabbis in America, 1886-1983”, *American Jewish Archives* 35 (1983), pp. 100-187.

2. Liebman, “Orthodoxy,” pp. 157 ff; Helmreich, *World of the Yeshiva*, p. 52ff. Liebman further refines the divisions within contemporary Orthodoxy in “Religion and the Chaos of Modernity: The Case of Contemporary Judaism,” in *Take Judaism for Example*, ed. Jacob Neusner (Chicago, 1983), pp. 147-164.

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Orthodox community almost out of hand, lately there has been a shift in perceptions so that the vital force within contemporary Orthodoxy is perceived by many as coming from the sectarian, rather than the modern camp.³ What has been missing, up to the present, in the scholarship on contemporary Orthodox Judaism is an account of the issues of orthodoxy and heterodoxy as presented by the intellectual spokesmen of the "sectarian" group.⁴ This is a lacuna of some import, for Orthodoxy stands upon an "elite" intellectual tradition which pervades the thought of the movement's rank-and-file to a greater extent than is the case in either Conservative or Reform Judaism. Furthermore, the Orthodox community tends to give the contemporary bearers of that tradition not merely veneration but close attention. Without a thorough analysis of the works of the intellectual spokesmen for the group, a certain level of comprehension of the phenomenon of contemporary Orthodoxy remains missing.

It is this gap that this essay seeks to begin to fill by an investigation of the halakhic responsa of Rabbi Moses Feinstein, by far the most prominent contemporary spokesman for "sectarian" Orthodoxy. These responsa, answers to questions of ritual and practice, which address a broad range of problems of concern to North American Orthodox Jews, shed light on current trends within Orthodoxy as well as on how major trends within the North American Jewish community, as a whole, are viewed.⁵

II *Moses Feinstein*

In the world of contemporary Orthodox Judaism, Moses Feinstein is a towering figure. Respected as a leading halakhic authority by the modern Orthodox community,⁶ he is a key figure in the constellation of authorities who preside over the *yeshivot*, the advanced academies of rabbinic learning, which tend to dominate the sectarian Orthodox intellectual scene.⁷

3. Lawrence Kaplan, "The Ambiguous Modern Orthodox Jew," JUDAISM, 29 (1979): 439-448. For the previous attitude, cf. Emanuel Rackman, "American Orthodoxy: Retrospect and Prospect," in *Jewish Life in America*, ed. Theodore Friedman and Robert Gordis (New York, 1955), pp. 23-36.

4. An interesting exception to this rule is an article on the anti-Zionist ideology of the late Satmar rebbe by Alan Nadler, "Piety and Politics: the Case of the Satmar Rebbe", JUDAISM, 31 (1982): 135-152.

5. Cf. Rod Glogower, "The Impact of the American Experience Upon Responsa Literature", *American Jewish History* 69 (1979): 257-269.

6. An example of this respect is Emanuel Rackman's article, "Halachic Progress: Rabbi Moshe Feinstein's *Igrot Moshe* on *Even ha-Ezer*", JUDAISM, 13 (1964): 365-373.

7. Liebman, "Orthodoxy," pp. 159-161; Helmreich, *World of the Yeshiva*, pp. 52-58. An interesting example of Feinstein's influence has to do with the fact that many works on Judaism produced by the sectarian Orthodox in the English language contain a letter of approbation by him in Hebrew in which he states that, as the book was written in English, he has not read it. Cf. B. Barry Levy, "Our Torah, Your Torah and Their Torah: an Evaluation of the Artscroll Phenomenon," in *Truth and Compassion: Essays on Judaism and Religion in Memory of Rabbi Dr. Solomon Frank*, ed. H. Joseph, J. Lightstone and M. Oppenheim (Waterloo, Ont., 1983), pp. 137-191, especially pp. 141-142, 161.

He was born in 1895 in the town of Uzda, in the district of Minsk, Belorussia. In 1921, he became the rabbi of the town of Luban in the same district. He came to the United States in 1937, teaching at the Orthodox Rabbinical Seminary in Cleveland, Ohio for a few months prior to becoming the head (*rosh yeshiva*) of Mesivta Tifereth Jerusalem in New York City, a post that he has held to the present.⁸

Feinstein's leadership within the world of Orthodoxy is symbolized by the offices he holds. In 1960, he became co-president of the Agudath ha-Rabbanim of America, an Orthodox rabbinic organization made up predominantly of European- as opposed to American-trained rabbis. In 1962, he was appointed chairman of the American section of the "Council of Torah Greats" (*Mo'ezet Gedolei ha-Torah*) of Agudath Israel, a group made up of distinguished scholars which is looked to by the sectarian Orthodox community as a policy-making body. In that year he also became head of the Agudath Israel-sponsored independent school system in the State of Israel (*Hinukh Azmaï*).⁹

Finally, Feinstein has come into prominence as a *Posek* (halakhic decisor). As Liebman states, Feinstein is considered

the leading *Posek* of his generation. Within the world of authoritative *Posekim* he is also the most lenient. His decisions, in fact, have bordered on the radical in departure from halakhic precedents to meet contemporary needs. Reb Moshe [Feinstein] is a retiring, modest, unassuming person who, while acknowledging his role as a leader of Orthodox Judaism, nonetheless seeks a strong consensus on political and social questions (in contrast to religious-ritual-ethical questions) before acting.¹⁰

Since 1959, Feinstein has published six volumes of his responses to halakhic queries. Collectively entitled *Igrot Moshe* [The Epistles of Moses], they constitute a valuable resource for an understanding of the problems and issues facing the Orthodox community in the latter half of the twentieth century.

III. *The World According to Feinstein*

The world, as seen by Moses Feinstein, is dominated by the Torah, as interpreted and directed by Orthodox Torah scholars or *Talmidei Hakhamim* (disciples of the wise). The admonitions of the *Talmidei Hakhamim* on matters ritual or political are to be obeyed as expressive of "the Torah-weltanschauung" (*Daas Torah*). Thus, Feinstein commented in an interview:

Those who maintained: "what do they (the *Talmidei Hakhamim*) know about politics? This is a field where we are better versed" — groups that set their policies in such a manner cannot be considered as being in the Torah camp.

One might well say that ignoring the advice of the *Talmidei Hakhamim* is

8. Helmreich, *World of the Yeshiva*, p. 354, note 13.

9. *Encyclopedia Judaica* Vol. VI, col. 1213, s.v. "Feinstein, Moses."

10. Liebman, "Orthodoxy," p. 176.

far worse than transgressing a Law (clearly expressed in the Torah). Whereas one may violate a command because he finds himself too weak to resist the insistent attractions of that which is wrong, at least he realizes that his action is wrong. By contrast, when one does not heed the advice of a *Tal-mid Hakham* he denies the superior wisdom of the Torah personality. This is a far more serious breach.¹¹

In his responsa, Feinstein claims to express a pure *Daas Torah*. As he states, in defending one of his opinions which had been subjected to criticism: "There is nothing in the words I have written and instructed except the Torah of truth."¹² To the extent that Jews accept *Daas Torah*, they may be considered full members of the sectarian community. Members of this community are called, in Feinstein's responsa, *Bnei Torah* (sons of Torah) and *Yir'ei Ha-Shem* (God-Fearers).¹³ Outside of this group, but still within the realm of Orthodoxy, are the "modern" Orthodox, whom Feinstein characterizes as *Shomrei Mizvot* (Observers of the commandments), who, though they may deviate from the "proper" method of doing things, nonetheless consider the halakhah as binding on them in principle. In a number of instances, Feinstein has stated that, although a certain course of action might be unobjectionable from an halakhic standpoint, nonetheless, "the sages are not pleased with it" and "those who fear the Lord" ought to adopt a more stringent interpretation of the law.¹⁴ In other cases, however, the responsa recognize that there are people "observant of the Torah" who do adopt practices which sectarians might consider detrimental to proper Jewish life. A case in point concerns a woman who wished to convert to Judaism but did not wish to adopt the "modest" style of female clothing characteristic of the sectarian Orthodox women. Feinstein attempted to understand her attitude in this way:

Since, because of our many sins, the wearing of indecent (*perizut*) garments has also spread among the daughters of Israel, *even among those who observe the Torah* (my italics). Therefore the gentile woman who has come to convert assumes that this is merely another stringency the rabbis wish to place on her over and above the law since she knows women whom she believes to be observers of the religion who dress indecently and even if the rabbis say to her that it is a forbidden matter she does not believe them.¹⁵

It is readily apparent, therefore, that Feinstein has a two-tiered halakhic system. Although he is interested in encouraging the greatest amount of halakhic observance by those who, at least, accept the "essentials . . . of belief in God and his Torah",¹⁶ he has greater expectations from the com-

11. Helmreich, *World of the Yeshiva*, p. 68.

12. *Igrot Moshe* (hereafter noted IM), *Even ha-Ezer* (hereafter noted EE), no. 11.

13. IM, *Yoreh Deah* (hereafter noted YD) no. 5; YD3, no. 75. For the use of the term *Yir'ei ha-Shem* to indicate an elite within Orthodox Jewry, see Israel Meir ha-Kohen (Hafez Haim), *Kuntres Zekhor le-Miriam* (New York, 1960), pp. 30-31.

14. IM, *Orah Haim* (hereafter noted OH) 1, no. 163.

15. IM, YD3, no. 106/1. Cf. EE1, no. 114.

16. IM, OH2, no. 79; cf. OH1, no. 98.

munity of "God-fearers." In the case of a school program where the rabbi in charge could not forbid the male parents from hearing their little girls sing "without (arousing) great division and controversy," he ruled that it was permitted to allow pre-menstrual girls (under the age of eleven) to perform. Nonetheless, he continued, "without [such a] necessity, one may not permit it at all, for in such matters he who acts stringently shall be called holy."¹⁷

Beyond the pale of the halakhically observant, there are other Jews, whose status within Feinstein's universe of discourse depends on whether their lack of halakhic observance is ideologically motivated or not. Those whose lack of observance is not ideologically motivated may, in his opinion, be counted in the quorum [*minyan*] of ten adult males required for public prayer.¹⁸ Jews about whose level of observance one is ignorant may be given synagogal honors, such as being called up to the reading of the Torah. On the other hand, those known to profane the sabbath are not to receive such honors.¹⁹

Rabbinic literature assumes that those who do not observe the sabbath are "deniers" [*kofrim*] of the creation of the world, of which the sabbath is a sign, and, hence, of the Creator. Feinstein attempts to mitigate this assumption by asserting that most of those who do not observe the sabbath are not heretics:

I have explained that since the comparison [of the profaner of the sabbath] and one who practices a foreign worship [*avoda zara*] is because he appears as a "denier" [*kofer*], this applies only if he profanes the sabbath for this reason. However, if he [profanes the sabbath] because he does not withstand the temptation to earn money or to fulfill his craving one may not consider him a "denier" . . . Thus here [in America] since it is known that most of the profaners of the sabbath [do so] because of this craving for money, . . . he in no way practices foreign worship.²⁰

One may, therefore, maintain normal relations with them. One may give them wedding gifts²¹, rent them apartments²² and have business dealings with them under certain controlled conditions²³, though in the last case it is clear, as Feinstein put it, that:

Certainly it is difficult to give a clear permission for this. However if we forbid it they will not listen to us for many commercial matters will be nullified which affect the livelihood of many Jews. [Therefore] we are obligated to search for reasons to permit [it].²⁴

One may also belong to a synagogue many of whose members are

17. IM, OH1, no. 26.

18. IM, OH1, no. 23; OH2, no. 19.

19. IM, OH4, no. 91/8. Cf. OH3, no. 12.

20. IM, OH1, no. 123.

21. IM, EE2, no. 13.

22. IM, OH1, no. 123.

23. IM, YD3, no. 39; OH1, no. 91; OH2, no. 62; OH3, no. 36.

24. IM, OH2, no. 62.

non-observant so long as the synagogue itself is Orthodox.²⁵ Nonetheless, Feinstein clearly feels that it is much better to belong to a synagogue of “observers of the Torah.”²⁶

Despite this attitude of tolerance, Feinstein feels that non-observance must have no official standing within the community. Thus, with regard to Jewish communal institutions which do not observe the sabbath, Feinstein ruled that:

It is plain and clear that no Jewish man or woman may be a member in [such an] institution even if it is [organized] for charitable matters and for the benefit of the people of the city, for even if he does not profane the sabbath he aids the profanation of the sabbath and holidays in public which is also the public profanation of [God's] Name . . . [Thus] any possible means which one may employ in order to legally cause the dissolution of such an institution must be pursued even though this will cause the dissolution of the charitable action that the institution performs.²⁷

One is permitted to maintain relations with non-observant Jews on the assumption that their non-observance is non-ideological in nature. This, however, does not apply to one who deviates from halakhah, however slightly, on an ideological basis. Such Jews — Conservative and Reform — are dealt with differently by Feinstein. He defines a Conservative congregation in the following way:

[The members of] a Conservative synagogue have announced that they are a group of people who deny some of the Laws of the Torah and have removed their way far from it . . . for even those who deny one thing from the Torah are considered “deniers” [*kofrim*] of the Torah . . . and they are considered heretics [*minim*] . . . even if they [merely] err like infants who were captured by the heathen because their fathers and their surroundings led them astray and the laws [concerning heretics are not enacted] on them . . . In any event they are heretics and one must remove himself from them.²⁸

Thus, though Conservative Jews may, in fact, observe a great deal of halakhah, as Feinstein occasionally recognizes,²⁹ the fact that their commitment to Orthodox halakhah is not total renders them ideological “deniers” of Torah. Thus, functionaries in Conservative synagogues, in whatever capacity, lose their right to be ritual slaughterers [*shohetim*].³⁰ Only in a case of dire emergency, when there is no one else available to perform the task, could a cantor in a Conservative congregation, whose conduct was otherwise strictly in line with halakhah, act as scribe to write a

25. IM, OH1, no. 99.

26. IM, OH4, no. 33.

27. IM, OH2, no. 61. Cf. YD2, no. 100; YD1, no. 149.

28. IM, OH4, no. 91/6. Cf. YD2, no. 101.

29. IM, YD3, no. 107.

30. IM, YD2, nos. 6, 12. Cf. YD3, no. 1; YD2, no. 108.

divorce document.³¹ Conservative rabbis ought not to officiate at weddings, for:

It is clear that the “rabbi” himself is unfit to be a witness [of the wedding ceremony] and there is no difference in this regard whether he was a Conservative rabbi from the beginning, having studied in their Seminary or was a rabbi who obtained [Orthodox] ordination and who got a position in a Conservative Temple, and perhaps the latter is worse since he is as one who learned [properly and then] abandoned [it].³²

Even if such rabbis perform certain commandments halakhically, their ideological opposition to Orthodoxy is enough to render their actions null and void. Thus Feinstein decided, in the case of United Jewish Appeal banquets at which a non-Orthodox rabbi might be called upon to pronounce the blessing over the bread, that:

Even if he said the blessing properly . . . since he denies God and His Torah, like most of their “rabbis,” it seems that he considers the mention of the Name of God as mere words and with no intention [of invoking] God, may He be blessed. [Thus] this is no blessing at all. Thus it appears that it is forbidden to honor the heretical [*apikorsim*] “rabbis” to recite the blessing over the bread since their blessing is not considered a blessing. One is also not obliged to answer “Amen” after his blessing.³³

This position is also in explicit contrast with Feinstein’s attitude toward non-halakhic behavior on the part of synagogues which consider themselves ideologically “Orthodox.” Thus, in the same responsum cited earlier for its definition of a Conservative synagogue, he continued:

However [with regard to] those Orthodox synagogues which are improper, e.g. with no proper separation [between the sexes] or which use a microphone they are not, God forbid, deniers of these commandments. They merely make light of them while essentially believing in all the commandments of the Torah . . . They are essentially proper Jews and if they occasionally err totally, one need not separate [himself from them].³⁴

Feinstein mentions Reform Judaism much less than Conservatism. When he mentions Reform Jews, however, his characterization of them is a great deal harsher. He calls them “the wicked who have denied our holy Torah” and who in fact have transgressed all the commandments of the Torah.³⁵ Essentially, however, Reform is treated as another form of “denial” of the Torah.

Beyond the world of Jews, of various sorts, lies the world of gentiles. On the one hand, this world is easier to live with than with nonhalakhic Jews, since one does not expect belief or observance from them and on the other hand, it is much more threatening. The threats of the gentile

31 IM, EE2, no. 20. Cf. EE1, no. 121.

32 IM, EE2, no. 17.

33 IM, OH2, no. 50; cf. OH2, no. 49; OH3, nos. 12, 21-22; EE1, no. 76.

34 IM, OH4, no. 91/6.

35 IM, YD3, no. 149. Cf. EE3, no. 23; EE1, no. 76.

world come from three sources: religion (Christianity), the secular society and gentiles wishing to change their status to that of Jews.

That Feinstein regards the Gentile world with a great deal of suspicion is clear from a reading of a responsum that he issued on interfaith gatherings of Jews and Christians in the wake of Vatican II:

It is plain and clear that it is stringently forbidden [to attend such meetings] . . . for this plague has spread through the influence of the new Pope whose entire purpose it is to cause all the Jews to abandon their faith . . . and accept the faith of the Christians, [feeling] that it is easier to cause this abandonment in this way rather than through [means of] hatred and murder which previous Popes had used.³⁶

Feinstein's suspicions extend, however, beyond organized non-Jewish religion to North American society as a whole, which, he feels, must be looked upon as an insidious, corrupting influence:

In our country, because of the abundant blessing which God, may He be blessed, has bestowed, there is a great desire and appetite for the enjoyments of this world in all the pleasant experiences which they call "*good time*" [my italics], which is also a matter which greatly corrupts a man. It makes him used to desiring things for which there is no need and destroys his character until he becomes an evil beast. At the beginning he seeks [to satisfy] his lusts with some permitted thing . . . and when it is impossible [to obtain this] he will not refrain even from the forbidden. [It will reach the point where] to justify his actions he will even become a "denier" [*kofer*], God forbid.³⁷

For these reasons, Feinstein seeks to minimize Jewish contact with the Gentile world. He thus discourages Jewish attendance at public schools³⁸ and at universities, which contain "all of the abominations in the world," and which will invariably corrupt those who attend them.³⁹ Indeed, even within the context of Jewish schools, Feinstein wishes to emphasize that there must be as little connection as possible with the way of life of the Gentile world. He insists that, on principle, Jewish schools hold classes on Sundays in order that Sunday be not viewed as a day of rest, "for each and every one can sense that this copying of the Christians has destroyed the holiness, purity and character of these generations, because of our many sins."⁴⁰ In the same way, he forbids Jewish schools to schedule vacation time at the end of December and the beginning of January, concluding:

It is in itself reprehensible to make a vacation time when they are celebrating their foreign worship — they who have troubled and embittered the nation of Israel for nearly two thousand years and still their hand is outstretched.⁴¹

Those Jews who intermarry with non-Jews are counted among the

36 IM, YD3, no. 43/1. Cf. EE1, no. 6.

37 IM, YD3, no. 71.

38 IM, YD3, no. 83.

39 IM, YD3, no. 82.

40 IM, YD3, no. 84.

41 IM, YD3, no. 85.

“wicked,”⁴² and even those non-Jews wishing to convert to Judaism are looked upon with a great deal of suspicion. Conversion under Reform or Conservative auspices is, as might be suspected, of no validity.⁴³ Even Orthodox conversions, however, are not without their difficulties for Feinstein. Thus he stated:

With regard to conversion, [since] almost all [conversions] are for purposes of marriage, one ought not accept them . . . even when they accept all the commandments since they did not come to convert for the sake of Heaven. It is therefore clear that one must suspect that even if they say before the [rabbinical] court that they accept the commandments, that it is not true . . . In most cases and, perhaps, even in all cases, the Jew who desires a Gentile woman or the Jewess who desires a Gentile man are not themselves observers of the Torah. Thus it is not logical [to expect] that the Gentile man or woman who converts for their sake will observe the laws of the Torah any more than they . . . Therefore one must exercise great caution in accepting converts. Because of our many sins [the matter] has spread in many places that even God-fearing rabbis, because of lay pressure, accept them. Thus it is very necessary to improve [this situation] and to repair this great breach.⁴⁴

As far as Feinstein is concerned, only those converts who, with no thought of marriage, sincerely accept the observance of the totality of halakhah are to be accepted. The others simply swell the ranks of those beyond the pale.

IV. *Feinstein on Jewish Institutions*

To be considered an Orthodox synagogue, according to Feinstein, means ideological commitment to halakhah, as we have seen. There is, however, much more involved. The synagogue must be located in a proper building that has not been utilized for “unworthy activities”⁴⁵ or for Christian worship. In this latter case, however, Feinstein will not oppose a *fait accompli* though he remains troubled by it.⁴⁶ Moreover an Orthodox synagogue may not occupy space in a building housing a Conservative one.⁴⁷ Those synagogues with a designated space for social functions, may not permit card playing, bingo or, especially, dances involving men and women together.⁴⁸ Indeed, says Feinstein, those synagogues which, when built, contain space designated for parties involving mixed dancing do not possess the holy status of a synagogue. Prayers in such a synagogue are not accepted by God and “God-fearers” may pray there only when there is no other place of worship available.⁴⁹

42 IM, OH2, no. 73; YD3, no. 106/2.

43 IM, YD3, nos. 77/2; 105; YD2, nos. 100, 125; YD1, no. 160; EE3, no. 3.

44 IM, YD3, no. 106. Cf. YD1, no. 159; YD2, no. 125.

45 IM, OH1, no. 31.

46 IM, OH1, no. 49.

47 IM, OH2, no. 40.

48 IM, OH4, no. 35.

49 IM, OH2, no. 30.

The architecture of the Orthodox synagogue must include a separation of the sexes during worship. While Feinstein prefers women to be seated in an upper balcony and hopes that "God-fearing" Jews will maintain this form of separation,⁵⁰ he does accept seating on the same level, provided that a suitable partition [*mehizah*] be erected. Once again, Feinstein differentiates in his recommendations. "God-fearers" should see to it that the partition is high enough to cover the women's heads, since there are many women who do not cover their hair.⁵¹ He will, however, admit a shorter partition, provided that most of the women's bodies remain out of sight. When praying in such synagogues, "God-fearers" must avoid looking in the direction of the women's section.⁵² In the absence of even a partition, Feinstein counsels that an attempt be made to maintain at least the separate seating of the sexes, the abandonment of which, more than anything else, indicates that a synagogue has gone across the boundaries of the acceptable and has become Conservative.⁵³

Women are to remain in their designated area and take no part in leading the service. When he heard of a rabbi who invited a woman to recite an English prayer before the entire congregation, he ruled that this action was forbidden and he commented that "it is a wonder that an Orthodox rabbi could do such a thing."⁵⁴ Likewise a *Bat Mitzvah* [coming of age] ceremony for a twelve-year old girl may not be held in the synagogue proper and the ceremony itself is not to be encouraged.⁵⁵ Those women wishing to have a greater public role than that allotted to them by traditional halakhah are warned that they are in danger of being considered "deniers" of the Torah.⁵⁶

Another architectural feature of the Orthodox synagogue is the reading desk [*bimah*] which, traditionally, has been located in the center of the room. Though changes in the location of the *bimah* are not to Feinstein's liking, he is not prepared to make an issue of it. Nonetheless, given a choice, he recommends attending a synagogue with the *bimah* in the traditional central location.⁵⁷ His main concern in this regard is that a frontal location for the *bimah* will lead to a demand that the congregation install a microphone so that those worshipping in back can hear.⁵⁸

The use of microphones in the synagogue on Sabbaths and holidays does not, *ipso facto*, render a synagogue non-Orthodox, for a number of Orthodox rabbis hold that such use is permissible under certain circumstances. Feinstein, however, and the Agudath ha-Rabbanim which he

50 IM, OH2, no. 43.

51 IM, OH1, no. 39; OH4, no. 29.

52 IM, OH1, no. 42.

53 IM, OH1, no. 44; OH4, no. 31.

54 IM, OH4, no. 70/5.

55 IM, OH4, no. 36. Cf. OH1, no. 104.

56 IM, OH4, no. 49.

57 IM, OH2, no. 42.

58 IM, OH2, no. 41.

heads, are identified with the position that any use of microphones is forbidden and that this position is part of *Daas Torah* which must be obeyed.

Even if there are people to whom the reasons [of the prohibition] are unknown, [they] are obligated to abide by the instructions of the sages. Those who have leniently [permitted the microphone] acted improperly even if they are rabbis and even if they claim to be great in the Torah.⁵⁹

Accordingly, Feinstein prohibited a rabbi from accepting a pulpit in a synagogue with a microphone.⁶⁰ He likewise ruled that a ritual slaughterer who officiated as a cantor in an "Orthodox" synagogue with a microphone must be removed from his post. His continuing to officiate at that synagogue after official notification that it had been forbidden would render him "a public desecrator of the sabbath who is disqualified from slaughtering."⁶¹ When informed that forcing the slaughterer to vacate his post would cause great strife, Feinstein reluctantly agreed to let him continue, provided that he be given close supervision by a "God-fearing" slaughterer.⁶² Nonetheless, one who officiates with a microphone, though a sinner, may not be classed as a "denier."⁶³

The school is the other major institution, beside the synagogue, whose Orthodoxy must be ensured. Public schools, which mix boys and girls as well as Jews and Gentiles are, as previously stated, not places to which Orthodox Jews should send their children.⁶⁴ Proper Jewish schools cannot be co-educational, though in a community which cannot financially support two separate schools, Feinstein reluctantly permitted mixed classes, but only in the earlier grades.⁶⁵ In these schools, non-Judaic studies are to be de-emphasized. The student is to be instructed that "the essence of his coming to the school [*Yeshiva*] is to study Holy subjects . . . though in addition, because of the laws of the state and the like they also study secular subjects."⁶⁶ Just as secular subjects are to be limited, the textbooks used to teach these are to be scrutinized for heretical ideas concerning, e.g., the creation of the world. If no non-heretical textbooks can be found, the offending pages may be torn out of the "heretical" books.⁶⁷

In general, secular studies are to be considered a threat to one's "holy" studies even when they are not *per se* heretical, "for this is the power

59 IM, OH4, no. 84. Cf. OH3, no. 55.

60 Ibid.

61 IM, YD2, no. 4.

62 IM, YD2, no. 5.

63 IM, EE2, no. 20.

64 IM, YD3, nos. 79-80. Cf., however, OH2, no. 25, in which Feinstein rules that Jewish children attending public schools may take part in school prayer which omits any mention of Christianity.

65 IM, YD3, nos. 78-79. Cf. YD1, no. 137.

66 IM, YD3, no. 83. Cf. YD3, no. 81.

67 IM, YD3, no. 73. Cf. YD2, no. 105.

of one's [evil] inclination" to lure the student away from the path of eternal life which is the Torah.⁶⁸

V. Conclusion

In principle, Moses Feinstein's universe is well and tightly ordered. First, there are Jews who practice a Judaism based on an ideological commitment to halakhah. Though they display varying levels of adherence to *Daas Torah*, they function within the same universe of discourse. Outside of the circle of halakhic commitment are those unobservant Jews who are either indifferent to halakhah and *Daas Torah* or are ideologically opposed. Such Jews, whose religious practice — insofar as it deviates from halakhah — constitutes a wicked denial of the Torah, are confidently shunted to the sidelines of Feinstein's consciousness. The Gentiles, even more peripheral, impinge on his field of vision only insofar as they threaten his world either through attempts to encourage Jews to abandon Torah or through attempts to swell the ranks of nonobservant Jews through conversion "not for the sake of Heaven".

Yet, just beneath the surface, Feinstein's responsa indicate that not all is tightly ordered. In numerous matters it is clear that pure halakhic reasoning often reaches conclusions that clash with the demands of reality. Though halakhically observant Jews ought not to have business relations with the nonobservant in the "best of all possible worlds," Feinstein finds that he is forced to find an halakhic permission for such action. Though he cannot find it in himself to grant permission for the conversion of a church to a synagogue, he is likewise unable to forbid Jews to pray there. The examples are numerous; the conclusion is clear. Feinstein, like great halakhic minds of previous ages, has made compromises with reality, at times against his better halakhic judgment, in order thereby to escape limiting his audience to the relatively small number of "God-fearers." In making the basic decision to cast his net as widely as possible for adherents of halakhic Judaism, he has had to adjust his halakhic principles at strategic points so as not to read individuals and institutions entirely out of the bounds of the acceptable. He thus maintains the purity of halakhah in principle while often bending it in practice. That is why his two-tiered halakhic system, with one standard for "observers of the commandments" and another, more stringent, for "God-fearers", is central to an understanding of his responsa and his view of the world. For Feinstein, contemporary North American Orthodoxy is not the best of all possible halakhic worlds. It does, however, afford him ample scope to cultivate his own garden.

68 IM, YD3, no. 82.

The People's Lawyers: The Predominance of Jews in Public Interest Law

DONNA E. ARZT

Woodrow Wilson was once asked by a less than broad-minded associate, "Isn't it a pity that a man as great as Louis Brandeis should be a Jew?" Wilson reportedly replied, "But he would not be Mr. Brandeis if he were not a Jew."¹

LOUIS DEMBITZ BRANDEIS, KNOWN AS "ISAIAH" to Wilson and F.D.R., but more commonly referred to as "The People's Lawyer," epitomized in his pre-judicial career a modern style of legal advocacy in behalf of the public good, as opposed to the interests (and goods) of individual clients. The right of privacy and the cause of consumerism were two of his special concerns. His Jewishness was not overlooked among the Yankee-dominated corporate interests that opposed him. But Brandeis came to believe that his Jewishness and Zionism made him a better American.²

Many lawyers have repeated the Brandeis commitment to public interest work, many of them Jews. Yet, for the most part, they have not been consciously aware of any connection between their ethnic background and professional choice. Given the predominant percentage of Jewish lawyers practicing *pro bono publico*, for the benefit of the public — out of all proportion to their numbers — and given the Jewish scholar's proclivity for theoretical analysis of such broad phenomena, it is odd that there have been no sustained attempts to fathom the connection.³ The only serious examination of the American Jewish bar, by legal historian

1. Robert St. John, *Jews, Justice and Judaism* (1969), p. 277.

2. See, generally, M. Urofsky, *A Mind of One Piece: Brandeis and American Reform* (1971); M. Urofsky, *Louis D. Brandeis and the Progressive Tradition* (1981); A. Gal, *Brandeis of Boston* (1980); A. Mason, *Brandeis: A Free Man's Life* (1956).

3. One early but generalized study is J. Ladinsky, "The Impact of Social Backgrounds of Lawyers on Law Practice and the Law," 16 *J of Legal Education* 127 (1963), which compared the family origin, education and work situations of metropolitan lawyers in solo practice to those of lawyers in medium-to-large firms, concluding that Catholics and, particularly, Jews tend to gravitate to the former. See, also, J. Dean, "Patterns of Socialization and Association Between Jews and Non-Jews," *Jewish Social Studies* XVI (July 1955): 3 ("the most common type of Jew in politics is the appointment of lawyers to positions such as assistant district attorney, civil service commission or housing commissioner.")

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Jerold Auerbach, has erroneously concluded that successful Jewish lawyers have been indistinguishable from their elitist Protestant counterparts. As he wrote in the special Bicentennial issue of the *American Jewish Historical Quarterly*:

Jewish lawyers have achieved stunning success within the American legal profession. They have done so, however, on terms set down at the turn of the century by a white Anglo-Saxon Protestant corporate elite — terms which have not been substantially modified in seventy-five years. The price paid for success has been a commitment — too often, to elitism, to privilege, and to unequal justice.⁴

Auerbach is not wrong about a certain segment, perhaps even the majority, of Jewish lawyers. But his generalizations overlook the important contribution of Jewish lawyers to the non-elitist, anti-privilege, public interest bar.

Public interest law is an eclectic mix of fields and, therefore, more readily defined by what it is not: law that serves large, impersonal institutions of wealth and power, the corporate and commercial law practiced by the well-paid, well-dressed lawyer of popular imagery. By contrast, public interest law, practiced by tweed-jacketed and elbow-patched attorneys, male and female, serves broadly-based rather than private interests, or, more precisely, disadvantaged minorities (including the poor, women, prisoners, racial and ethnic groups) and the interests of the public at large (such as consumer, health, environmental and civil liberty interests). These are groups and interests that would otherwise be unrepresented or underrepresented if relegated to marketplace mechanisms for securing counsel. Some public interest lawyers provide legal aid to individual clients, within the existing framework of law. Others seek to reform the existing framework, in order to shift the balance of wealth and power away from interests that are served by the private bar. Sometimes they are lawyers in government, or paid by government, but frequently, government is the target of the public bar's litigious attacks. Unlike Auerbach's characterization of the elite bar's three-quarter century old "terms," public interest advocacy involves a constant re-examination of its values, methods and goals.⁵

That Jews are over-represented among the public interest bar is an undocumented but commonly acknowledged fact. A partial list of the most prominent could not fail to include:⁶ civil rights lawyers Jack Greenberg, Phil Hirschkop, Morris Abram and Nathan Margold; criminal defense attorneys Martin Garbus, William Kunstler, Samuel Leibowitz,

4. Auerbach, "From Rags to Robes: The Legal Profession, Social Mobility and the American Jewish Experience," *American Jewish Historical Quarterly* LXVI, 249 (December 1976): 284.

5. See, generally, Wexler, *Practicing Law for Poor People*, 79 *Yale L. J.* 1049 (1970); Note, *The New Public Interest Lawyers*, 79 *Yale L. J.* 1069 (1970).

6. Determinations of Jewish identity have been based on name, author's personal knowledge, or trade rumor, if not public affirmation.

Monroe Freedman, Alan Dershowitz and Leonard Boudin; capital punishment opponents Herbert Ehrmann, Anthony Amsterdam, Henry Schwartzschild and Michael Meltsner; ACLU leaders Morris Ernst, Aryeh Neier, Norman Dorsen, Jeremiah Gutman, Melvin Wulf and Alvin Bronstein; public interest fund-raiser Charles Halperin; women's rights advocates Phyllis Siegel, Harriet Pilpul, Harriet Rabb, Faith Seidenberg and (now federal judge) Ruth Bader Ginsburg; poverty lawyer Edgar Cahn; consumer lawyers Mark Green and Michael Pertschuk; numerous labor and immigration lawyers; progressive judges David Bazelon, Stanley Fuld, Mathew Tobriner, Irving Kaufman, Louis Pollack, and Joseph Weintraub, along with their judicial predecessors Mordecai Noah, Joseph Proskauer, Julian Mack, Marvin Frankel, Charles Wyzanski and Jerome Frank, as well as the five Jewish Supreme Court justices, Brandeis, Cardozo, Frankfurter, Goldberg and Fortas, all but one of whom had distinguished careers as public interest lawyers before being named to the bench.

These are the historically and nationally known. Any glance at the directories of local ACLU chapters, Lawyers' Committees for Civil Rights Under Law, legal services and public defender offices, volunteer lawyers' projects, public interest law firms, miscellaneous law centers and legal defense and education foundations will yield thousands more Jewish names. Reliable statistics on the percentage of public interest lawyers who are Jews, or the percentage of Jewish lawyers who belong to the public interest bar, have, however, never been calculated. Though the figures seem unrealistically high, it was estimated, fifteen years ago, that Jews comprised 20% of the American bar and 60% of the New York city bar.⁷ Before defections in response to the 1977 representation of neo-Nazis, an estimated 40% of the American Civil Liberties Union membership (which includes non-lawyers) identified themselves as Jews.⁸ But these figures, even if accurate, are not particularly revealing. If a proper statistical study could be devised, it would analyze the extent of Jewish lawyers in full-time public interest work and those working only part-time *pro bono publico*, compared to the profession at large. It might further inquire into religious and educational backgrounds and identification — Orthodox, Conservative, Reform, secular, antagonistic. It should attempt to distinguish the progressive values and activist commitments of Jewish lawyers from Jewish doctors, social workers, accountants and baseball players. Finally, it would necessarily examine whether the commonly-perceived Jewish commitment to public interest law has waned, as one suspects, in recent years.

Lacking such finely-tuned statistics, this article will probe the same questions in a thematic way, through six different disciplines or theories,

7. M. Mayer, *The Lawyers* (1967), p. 16; S. Isaacs, *Jews and American Politics* (1974), p. 23; *The Encyclopedia Judaica* (1972) 10, p. 1506.

8. A. Lukas, "The ACLU Against Itself," *The New York Times Magazine* (July 9, 1978): 10.

here labeled historical, psychological, theological, sociological, political and jurisprudential. Each theory will attempt to examine what has caused the Jewish lawyer to integrate Jewishness with professionalism; what prevents compartmentalization? Underlying each theory is the assumption that most public interest practitioners are secular Jews and that many are either non-identifying or marginally-identifying. Though relying on biographical and autobiographical writings about prominent Jewish lawyers, each theory will try to account for the broad-based, collective phenomenon. Even these writings lack insight into the role that Jewish education and Jewish values have played in the course of a career. Apparently, even strongly self-identified Jews are not highly introspective about the motivating sources of their professional commitments. As the late Supreme Court Justice, Abe Fortas, attempted to describe the "Jewish tradition" of public service: "Whether it's genetically induced or induced by some mysterious process that we don't understand, I believe it exists."⁹ For obvious reasons, neither genetics nor mysticism will be included in the six approaches presented here.

Such an attempt to link legal processes with individual backgrounds has roots in the school of Legal Realism which gained prominence in the 1930s. As Jerome Frank summarized the work of legal philosopher Felix Cohen:

The motivating forces which mold legal decisions can be found in the political, economic and professional background and activities of our various judges. . . . Reasonably certain predictions of judicial decisions are possible. Such prediction is not a question of pure logic but of human psychology, economics and politics.¹⁰

The same frame of analysis can be applied to the decision-making, values and commitments of non-judicial legal professionals.

The Historical Theory: Response to Discrimination

The assumption that Jewish lawyers in the early part of the century, primarily educated in urban night schools, were victims of discrimination by the established bar and by traditional, corporate law firms, has been amply corroborated by Auerbach. In 1899, "the doors of most New York law offices were closed, with rare exceptions, to a young Jewish lawyer," according to Joseph Proskauer, a Columbia graduate, later a judge and founder of a prominent New York law firm.¹¹ When young Harvard Law School graduate Felix Frankfurter was hired in 1906, after several rejections, for a \$1000 a year position with Hornblower, Byrne, Miller and Potter, he was one of the few Jews in any large New York firm.¹² This pattern

9. S. Isaacs, *Op. cit.*, n. 6, p. 20.

10. J. Frank, *Courts on Trial* (1969), pp. 148-9.

11. J. Auerbach, *Op. cit.*, n. 3, p. 251.

12. H. Phillips, ed., *Felix Frankfurter Reminisces* (1960), pp. 34-40.

was repeated with regularity, even for top-ranked law review editors, until well after World War II. Even in the 1960s, the problem was persistent enough so that investigations were conducted by students at Harvard and Yale.¹³ The editor-in-chief of the latter's law journal, a yeshiva-educated Brooklynite named Alan Dershowitz, was rejected by all thirty-two Wall Street law firms to which he applied in 1962.¹⁴ Auerbach also describes the obstacles placed in the path of Jews and other immigrant groups by the organized bar. An elaborate, overtly discriminatory "preceptorship" and registration system existed for admission to the bar of Pennsylvania and most Southern states until blacks successfully challenged it in the 1970s.¹⁵

Auerbach goes on to demonstrate that discrimination by elite private law firms led Jewish attorneys, among others, into the public sector. "The Depression generation of talented Jewish law students was saved from professional extinction, insofar as it was saved at all, only by the New Deal alphabet agencies."¹⁶ Felix Frankfurter and Jerome Frank placed dozens of young Jewish attorneys like Abe Fortas in federal offices, although Frank cautioned against hiring "too many Jews."¹⁷ Outside of Washington, the newly developing field of labor law had room for young Jewish specialists. Auerbach perceives a direct link between these professional choices, working class backgrounds, and personal ideals.

Labor law offered Jewish lawyers a unique opportunity to merge liberal reform or radical hope with professional fulfillment. . . . Their labor experiences encouraged these lawyers to use law as a weapon, as a tool in the service of the movement for social change, a commitment which for many molded their lives and careers.¹⁸

For the children of socialist parents, labor law provided an upwardly mobile extension of their home-grown values.

But Auerbach is also skeptical of the motives of the New Dealers. Although he acknowledges that a significant number were motivated by a reformist ethic, he believes that many were "ideological chameleons, opportunists whose affirmations of public service and liberal reform cloaked self-interest"¹⁹ and the quest for power, if not money. He con-

13. "Job Office Director Reports Less Bias," 43 *Harvard Law Record* (December 1, 1966); Comment, "The Jewish Law Student and New York Jobs — Discriminatory Effects in Law Firm Hiring Practices," 73 *Yale Law J.* 625 (1964).

14. Conversation between Alan M. Dershowitz and author, November 14, 1978.

15. J. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (1976), pp. 125-129; "Report of the Philadelphia Bar Association Special Comm. on Pennsylvania Bar Admission Procedures," 44 *Temple L. Q.* 141 (1971).

16. J. Auerbach, *Op. cit.*, n. 4, p. 266; compare D. Aaron, "Some Reflections on Communism and the Jewish Writer," *The Ghetto and Beyond: Essays on Jewish Life in America*, ed., P. Rose (1969) at p. 123 (infiltration of Jews into radical movement explained in part by their exclusion from economic, cultural and social opportunities).

17. R. Glennon, *Principles are What Principles Do: Lawyers in the New Deal*, unpub. mss. (1979), pp. 11, 18.

18. J. Auerbach, *Op. cit.*, n. 4, p. 271.

tends that the interests and values of Jewish lawyers were not unique; what distinguished them from gentile lawyers were merely the channels which those values were forced into by historical factors. Other students of Jewish liberalism have agreed that these manifestations were just part of an elaborate "survival strategy."²⁰ Without offering documentation comparable to his evidence on discrimination, Auerbach insists that, by the 1960s, elite Jewish lawyers were virtually indistinguishable from the Protestant, Wall Street model,²¹ presumably because survival no longer required a "strategy."

Once again, the statistics are lacking which would prove or disprove Auerbach's conclusion about the 1960s. But his assertion implicitly poses more questions: How account for Jewish gravitation to the public sector once discrimination no longer posed an obstacle? Discrimination and bias can, of course, be unrealistically anticipated and obstacles can be self-induced, thus perhaps deterring Jews from applying for positions in which they assume that they will be unwanted or will feel uncomfortable.²² But this cannot explain the route taken by those without such defensive presumptions. Many are undoubtedly motivated by a sense of their own history that Auerbach himself depicts, by a kind of loyalty to the Jewish "tradition" of public service, irrespective of the existence or non-existence of discriminatory obstacles.

The Psychological Theory: Identification with the Oppressed

This hypothesized "tradition," if one exists, is not merely an attribute of the Jewish legal profession. The predominance of Jews in social work, other service professions and the academic behavioral sciences, serves to bolster the hypothesis that the *victims* of centuries of discrimination and inequality would seek to study, challenge, and work to alleviate these conditions when given the chance themselves. Such a "psychological" theory also explains why those who have overcome these obstacles themselves would continue the struggle to help others overcome them. Gordon Allport identified this phenomenon in his classic study, *The Nature of Prejudice*, as a defense mechanism, "sympathy with the oppressed."²³

It was possibly an identification with another minority group that diverted Jack Greenberg's career path from the commercial orientation of his CPA father to a long association with the NAACP Legal Defense and Education Fund. Growing up in Brooklyn and the Bronx without

19. Ibid., n. 14, pp. 189, 188.

20. See, e.g., W. Cohn, "The Sources of American Jewish Liberalism," *The Jews: Social Patterns of an American Group*, ed. M. Sklare (1958).

21. J. Auerbach, *Op. cit.*, n. 4, p. 273.

22. See "The Jewish Law Student," n. 12, pp. 650-656, and a later study confirming a similar lack of confidence, A. Goldberg, "Jews in the Legal Profession: A Case of Adjustment to Discrimination," 32 *Jewish Social Studies* (April 1970): 155, 152.

23. G. Allport, *The Nature of Prejudice* (1958), pp. 122, 150-151.

knowing any blacks, Greenberg first observed racial injustice as a Naval officer in the Pacific. "I was unhappy because the only blacks on board were three or four stewards' mates. They were our servants. It made me uncomfortable."²⁴ Like other Jews in the civil rights movement, Greenberg felt more at ease working with minorities, dissidents and outsiders than with the ranks of Wall Street bankers, lawyers and businessmen whom most of his Columbia Law School classmates joined.

Whether described as discomfort, identification, or feelings of guilt for personally avoiding the fate of the oppressed, these psychological forces can translate into positive action. As an observer of American Jewish and Israeli attitudes toward civil liberties has commented:

Perhaps the explanation for the support that American Jews have given to civil rights and for their sympathy with American blacks derives primarily from a belief that "there but for the grace of God go I" plus a strong, visceral sense of what it is like to be the target or victim of prejudice, hatred and discrimination.²⁵

A cynical view of the psychological explanation, like that of the historical theory, is also plausible. What historians have called a "survival strategy" is equivalent to the psychological label "defense mechanism," a process that translates inner anxieties into outward, behavioral strengths. For Jews it may be the recognition that agitation for the rights of others serves, at some ultimate stage, as self-protection, that the security of Jews depends on the maintenance of a just society. (A related theory could be based on the psychoanalytic concept of "reaction formation": that American Jews are liberals because anti-Semites have tended to be conservative, although this is less true in the 1970s and 1980s.) For Jewish self-defense organizations, this recognition came in the early 1940s, when commissions on community relations and social action were established to promote the civil and political equality of all minorities in America and to safeguard American liberties as a whole. Legal intervention was not limited to crises involving Jews; *amicus* briefs advocating religious liberty, cultural diversity, free speech and political and social equality have been filed by Jewish organizations in behalf of other threatened groups and individuals.²⁶

Alexander Pekelis, the first director of the American Jewish Con-

24. P. Kluger, *Simple Justice* (1977), pp. 436-437; T. Buckley, "25 Years in Battle for Rights, Fund's Lawyer Sees Victory," *The New York Times* (May 12, 1974), naming as a major influence on Greenberg's career, Columbia Law professor Walter Gellhorn, who also influenced women's rights activist and Judge Ruth Bader Ginsburg. See M. Ostrer, "A Profile of Ruth Bader Ginsburg," *Juris Doctor* (October, 1977): 36.

25. R. Simon, "Jews and Civil Liberties: American and Israeli Jewish Attitudes" 27 JUDAISM 33 (Winter 1978): 35.

26. M. Konvitz, "Jews and Civil Rights," *The Ghetto and Beyond*, n. 15, p. 25; M. Breger, "Organizational Strategy & Cultural Imperatives, Particularism and Universalism in the Legal Strategies of Jewish Defense Agencies," unpub. mss. (October 30, 1982).

gress's Commission on Law and Social Action, explained the connection between his organization's legal work and Jewish survival:

To the extent to which the belief is preserved that American unity is achieved through a wide cultural and national diversity; to the extent that the United States guarantees to its minorities their first and basic right, that of fully preserving their minority characteristics; to the extent to which it is thus, in some sense, a multinational state; to the extent to which its centripetal forces do not destroy the autonomy of the social units comprising it — to the extent to which all of this is true, America is immune to the totalitarian danger of rigid uniformity and American Jewry has a fighting chance of survival.²⁷

As his contemporary at the American Jewish Committee, Joseph Proskauer, more succinctly described it: "The infringement of the rights of Jews is inevitably an attack on the rights of all mankind."²⁸ Or as a Jewish politician from a New England state put it more bluntly: "A society which discriminates against any group will, if that goes unchecked, eventually get around to discriminating against Jews."²⁹

The recognition that American Jews must struggle against totalitarian dangers at home explains, paradoxically, both the opposition of many Jews to the defense of neo-Nazis by the American Civil Liberties Union and the participation of numerous Jewish lawyers in that very defense. As David Goldberger, the ACLU attorney who defended the National Socialist party in Skokie, Illinois, and Aryeh Neier, then the ACLU national director, have both pointed out, the legal victories that the ACLU achieves when defending totalitarians and racists serve to strengthen the law upholding the free speech of others.³⁰

The so-called psychological theory accounts for the behavior of Jews who can empathize with other minorities and also for the unique role that lawyers are able to play in this elaborate stratagem of "vicarious self-defense." But this, along with the theory of historical discrimination, may fail to satisfy those who are searching for purer, less selfish motivations, those who argue that the tendency of American Jews to support, for instance, social welfare programs and consumer protection, is genuinely altruistic. Jewish survival and the perpetuation of distinct Jewish traits have not depended on oppression and anxiety alone. Moreover, the historical and psychological theories do not explain why other immigrant groups have failed to match the extent of Jewish involvement in public interest causes. The theory that at least superficially answers these objections is the theological one that Jewish liberalism comes out of the image of God's attributes and the tradition of *zedakah*.

27. A. Pekelis, "Full Equality in a Free Society: A Program for Jewish Action," *Law and Social Action*, ed. M. Konvitz (1970), pp. 223-224.

28. J. Proskauer, *A Segment of My Time* (1950), p. 209.

29. Quoted in K. Bressler, "The Jew as Candidate" *Genesis* 2 (November 1978): 6.

30. D. Hamlin, *The Nazi/Skokie Conflict: A Civil Liberties Battle* (1980); A. Neier, *Defending My Enemy: American Nazis, Skokie and the Risks of Freedom* (1979).

The Theological Theory: Justice and Mercy

Biblical sources depict two qualities as the essential characteristics of God: justice and mercy, or, more precisely, justice tempered by mercy. These qualities formed the basis of the Covenant between God and the Israelites. "I will betroth you unto me in righteousness (*zedakah*) and in justice (*mishpat*) and in loving-kindness (*hesed*) and in mercy (*rahamim*)" (*Hosea* 2:21). In accordance with the tradition of the imitation of God, the Jewish people are commanded to do justice and to act mercifully, particularly toward the poor and oppressed, the alien, the orphaned and widowed, the handicapped, and animals (*Leviticus* 19:14, *Deuteronomy* 22:6, *Jeremiah* 22:15-16, *Amos* 1:14-15, *Micah* 6:8, *Zechariah* 7:9, *Proverbs* 19:17). The prophets taught that justice was due the weak as well as the strong, that one could not serve God at the same time that one mistreated one's fellow men. An important Talmudic addition is the necessity for involvement in the community. As *Ta'anit* proclaims:

If the community is in trouble, a man must not say: I will go to my house and eat and drink and peace shall be with me, O my soul. But a man must share in the troubles of the community, even as Moses did. He who shares in its troubles is worthy to see its consolation.

Justice tempered by mercy is an apt description of the concept behind legal aid for oppressed minorities. Indeed, traditional Judaic sources exist for virtually every aspect of modern public interest law, from the agrarian welfare scheme of the Sabbatical and Jubilee years (*Exodus* 23:11, *Leviticus* 19:9-10 and 25:10), to the abhorrence of capital punishment (*Mishnah Makkot* 1:10), to reverence for the environment, including the prohibition on interference with water supplies (*Deuteronomy* 20:19, *Maimonides' Code*, *Law of Kings* 6:8). The principle of non-violent civil disobedience to laws considered unconscionable is a halakhic duty, traced to the examples of the Egyptian midwives, Shifrah and Puah, to Daniel, the Maccabees, and the resistance to the Roman Emperor Caligula, as described by Josephus. Just as Jewish law promotes certain values and ideals, so it establishes rituals and customs which reinforce and perpetuate those ethical beliefs. The themes of equality and freedom, for instance, are expressed during Passover, when every Jew is instructed to regard herself or himself as personally having been enslaved in Egypt. The theological/ethical theory thus posits that the modern Jewish lawyer has internalized and thereby acted upon these halakhic proclamations, or what the Reform movement calls "The Prophetic Tradition."

The link between the tradition of *zedek* and modern social activism was recognized by Louis Brandeis, who observed that "the highest Jewish ideals are essentially American,"³¹ referring to the Colonialists' desire for liberty. He believed that

there is in the Jew's character, point of view and tradition, just those quali-

31. *Louis D. Brandeis and the Progressive Tradition*, n. 2, p. 93.

ties which will enable America to solve the crying problems of social justice. . . . The Jew is essentially a democrat and as a democrat a man whose tradition and training should particularly fit him to carry out this work of social regeneration.³²

Albert Einstein expressed it more eloquently: "The bond that has united Jews for thousands of years and unites them today is, above all, the democratic ideal of social justice, coupled with the ideal of mutual aid and tolerance among all men."³³

Though both were staunch Zionists, Brandeis and Einstein had little religious training and minimal religious — as opposed to political and cultural — identification. Brandeis, whose brother-in-law founded the Society for Ethical Culture, was more familiar with the poetry of Henry Wadsworth Longfellow than that of Judah Halevi. Secular Jews, even non-Jews, may be familiar with the anti-slavery perspective of the *Haggadah*. But a theory linking halakhah with public interest law requires proof that adherents of the latter are intimately familiar with the former. The statistical evidence is again lacking, but there is otherwise no reason to presume that Jewish lawyers involved in public interest work have had such training. In fact, the opposite phenomenon has been observed. Most Jewish civil rights workers, for instance, volunteered under the auspices of the Southern Christian Leadership Conference or the National Council of Churches. They tended to be non-identifying Jews from assimilated backgrounds. As Charles Silberman observed in an early overview of the civil rights movement:

All too often . . . it seems as though Jews who are involved in the racial struggle have no commitment to Judaism, while those who have the commitment to Judaism are rarely involved in the fight for civil rights. . . . Painfully few of the young men and women who went to Mississippi . . . had any understanding that what they were doing was in the least connected with their Jewishness or with the teachings of Judaism.³⁴

Moreover, Orthodox Jewish lawyers, with yeshiva training, are more likely to be found in large corporate law firms than in store-front poverty law offices. Another theory is therefore required to explain the ethical commitments of the secular, assimilated Jewish lawyer.

The Sociological Theory: "The Law of Return"

Typical American Jews, whether destined for a legal career or not, are unlikely to know where to look in *Leviticus* for the equivalent of the Social Security Act, let alone what *Ta'anit* is or even what *zedakah* means. But if they are unacquainted with Jewish law, history and religious prac-

32. Gal, *Op. cit.*, n. 2, p. 158.

33. A. Einstein, *Out of My Later Years* (1950), p. 249.

34. C. Silberman, "A Jewish View of the Racial Crisis," *Conservative Judaism* (Summer, 1965): 6.

tice, they have most likely obtained a sense of the traditional values that underlie that law, history and practice.

The meaning of modern Judaism was articulated in a symposium sponsored by *Commentary* in 1961 on "Jewishness and the Younger Intellectuals." The participants were asked to comment on issues that bear on our question here: the relevance of one's experiences as a Jew to one's experiences as an American; the influence of Jewish culture upon American life; the obligation, based on one's sense of Jewish tradition, to involve oneself in the community. Their comments, as summarized by Norman Podhoretz, reveal much about the conception of Judaism that may activate modern Jewish lawyers:

Believing (on the basis, it should be emphasized, of an obviously scant acquaintance with the literature and history of Judaism), that the essence of Judaism is the *struggle for universal justice*, the young intellectuals assert over and over again that anyone who *fights for the Ideal* is to that degree more Jewish than a man who merely observes the rituals or merely identifies himself with the Jewish community.³⁵

The Judaism of these intellectuals and, arguably, of many of their peers in the legal profession, is a secularized form of the *Leviticus* and *Ta'anit* prescriptions: ethnic identity and liberalism. The process of secularization follows sociologist Marcus Lee Hansen's "Law of Return" for the children of immigrants: "What the son wishes to forget, the grandson wishes to remember."³⁶ But what the grandchild remembers is a more abstracted, more rationalistic, more "American" form of the grandparent's religion. Judaism for the third generation is not theological or ritualistic, but pragmatic — concerned with modern economic and social problems. The phenomenon of American Jewish philanthropy has been seen in these terms by historian Howard Morley Sachar:

Although large numbers of the newcomers and their children were unenthusiastic about participation in Jewish cultural and religious activities, many of them were equally unwilling to abandon their Jewish identification; they still possessed a hard core of ancestral loyalty. They strove, however, for a loyalty to be manifested in an "American" manner.³⁷

And the "American" manner was pragmatic activism, so the secularized Jew became an activist. In whatever form — philanthropy, social work, public interest law — activism became a surrogate religion. As Jeremiah Gutman, chairman of the ACLU's privacy committee, comments: "If religion involves not necessarily a belief in a set of mythologies but a belief in a set of principles, then I suppose civil libertarians are religious."³⁸

Identified with civil liberties and civil rights, along with Zionism, in

35. N. Podhoretz, "Introduction, Jewishness and the Younger Intellectuals, A Symposium" 31 *Commentary* 306 (April 1981): 310 (emphasis added).

36. See N. Glazer, *American Judaism* (1972), epilogue; W. Herberg, *Protestant, Catholic and Jew* (1960); M. Hansen, *The Problem of the Third Generation Immigrant* (1938), pp. 9, 10.

37. H. Sachar, *The Course of Modern Jewish History* (1958), p. 526.

38. J. Gutman, "People are Important to Me," *Civil Liberties* (September 1976), p. 5.

his pre-judicial career, Felix Frankfurter may epitomize the secularized but committed Jew — although he was himself a first generation Viennese immigrant. Recalling his alienation from his co-religionists one Yom Kippur during his college days, he maintained: “By leaving the synagogue I did not, of course, cease to be a Jew or cease to be concerned with whatever affects the fate of Jews.”³⁹ Sometimes criticized as a self-hating Jew, Frankfurter self-consciously made this connection: “As one who has no ties with any formal religion, perhaps the feelings that underlie religious forms for me run into intensification of my feelings about American citizenship.”⁴⁰ For Frankfurter, “citizenship” meant a legal career in government, in law reform and in the academy. He counseled young law graduates to take jobs in the public service. Those who followed his footsteps to New Deal Washington (the “happy hotdogs”) were often children and grandchildren of immigrant parents. Their ambition was not to devote themselves to the study of Jewish Torah but to the public service of American Torah.

But many of Frankfurter’s students disregarded his advice and went to New York instead of to Washington. That fact is not so inexplicable. For the second generation who wanted to forget their foreignness and even for the third who wanted to Americanize it, business and commercial practice was the acceptable American way. It was a path not inconsistent with their own family milieu and the path of social mobility, for isn’t the corporate Jewish lawyer simply a more professionalized version of an entrepreneurial parent? Once they overcame institutionalized discrimination, immigrant children could gain the respectability and acceptance that their parents’ generation lacked by following the traditional legal route to the big business firm. Their guilt and need for “identification with the oppressed” could be assuaged through large charitable contributions. And their duty to obey the “law of return” could be fulfilled by joining the neighborhood synagogue, perhaps taking a leadership role (if their law partners approved). What more could be asked? Isn’t that enough loyalty to the “tradition” for the child and grandchild?

The logic of this alternate (but really mainstream) route is troublesome. Not only is it confirmed more and more frequently by each class of graduating law students in the 1970s and 1980s; the general trend in the Jewish community at large toward more self-centered, conservative political views reinforces it. The logic of this trend would imply that, in another generation or two, the lure of the public service career will be extinguished, as Auerbach contends is already true. But his prediction is too pessimistic. One would like to believe in a latent component of Jewishness, below the cognitive level, that cannot be lost through assimilation, a timeless, Jewish political style that will live on.

39. H. Phillips, *Op. cit.*, n. 11, p. 290.

40. J. Auerbach, *Op. cit.*, n. 4, p. 270.

The Political Theory: Messianic Fervor

"The zeal of untraditional Jews for politics," Milton Himmelfarb has explained, "is their de facto religion. With all they've gone through, those Jews are still messianic, and their religion is politics."⁴¹ Or as Norman Podhoretz put it, "The pursuit of salvation through politics is a modern disease, and a lot of Jews are infected with it."⁴² As are a lot of Jewish lawyers, as long as politics is defined in the broadest sense as the process of forming and administering public policy. This theory asserts that what the Jewish public defender, civil rights advocate and even atheistic Jewish Marxist have in common is a messianic fervor, a shared Jewish outlook and impulse that constantly prod Jews to strive for a better world, to take part in *Tikkun Olam*, to be at the forefront of movements for social reform, or, as Justice Benjamin Cardozo called the "disease," "a passion to shape the forms of justice."⁴³ It may be a style that has developed out of a history of oppression, a psychology of anger, guilt and dread, as well as the traditional teachings (and the rejection of them), but it cannot be dissipated through the passage of generations.

Traditionalists would identify this political zeal as a modern manifestation of the theme of the Chosen People. In his program for the Commission on Law and Social Action, attorney Alexander Pekelis articulated it: "We believe, indeed, that the Jewish People are the bearers of cultural and ideal values the loss of which would make mankind the poorer."⁴⁴ Some Jews have been uncomfortable with the notion of Chosenness; Louis Brandeis, for one, felt it was "presumptuous for any people in this century to assert that it alone had a mission for all peoples, but that none of the other peoples had any mission."⁴⁵ But Brandeis did acknowledge that

the experience of the Jewish people is unique. It is Jewish. Consequently the Jews have much to contribute toward the solution of the problems that perplex and confound all men. . . . I believe further that the Jews can be just as much of a priest-people today as they were in the prophetic days. Their mission is one that will endure forever.⁴⁶

Certainly, the moralistic, missionary, political style is not peculiarly Jewish. It was an approach that Brandeis shared with the President who appointed him to the Supreme Court, Woodrow Wilson. It is only one of a number of styles common to American politics. In that sense, the messianic approach is peculiarly American, but still peculiarly Jewish.

While acknowledging the opportunistic "survival strategy" of Ameri-

41. K. Bressler, *Op. cit.*, n. 28, p. 6.

42. S. Isaacs, *Op. cit.*, n. 6, p. 26.

43. B. Cardozo, "Address to the New York County Lawyers," quoted in A. Goodhart, *Five Jewish Lawyers of the Common Law* (1949), p. 66.

44. A. Pekelis, *Op. cit.*, n. 26, p. 219.

45. Quoted in M. Konvitz, *Judaism and Human Rights* (1972), p. 83.

46. *Ibid.*

can Jewish liberalism, political scientist Daniel Elazar places Jewish politics within a basically moralistic tradition:

The Jews' attachment to reform was not only based on perceptions of self-interest but also reflected the fundamental moral concern which is part and parcel of the Jewish attitude toward politics. . . . Politics, even to the Jews who came to America from an unpolitical environment, was considered to be a matter of morality, a device for achieving justice and establishing the good commonwealth. The overwhelming majority of Jewish immigrants could not conceive of politics as a business or a means of personal economic advancement.⁴⁷

The Jewish style is part of what Elazar calls the "moralistic political culture," which "views politics primarily as a means to advance the public good." It is juxtaposed to the individualistic political culture which "accepts politics as a means for individuals to advance themselves economically and socially; and the traditionalistic political culture which views politics primarily as a means to support an established social order."⁴⁸

It is easy to find a role for the Jewish public interest lawyer within this theory of Jewish motivation. For him or her whose job, whose very life, is politics, the law is a device for achieving justice, not a means for personal financial ends. But, to complete the portrait, we must examine one more theory, an approach that links Jewish political style with a substantive law of Jewish politics.

The Jurisprudential Theory: Experiment, Criticism and Change

Underlying the Jewish political style are some implicit assumptions about human nature, the function of law, and the role of the Jew in the modern world. As political scientist Lawrence Fuchs explained in his classic 1956 study, *The Political Behavior of American Jews*:

Implicit in this (Jewish messianic) style is the view that man and his environment are malleable, that he is much more the creator of history than its creature. . . . Implicit is a dynamic view of law, that it is changing and made for man. It is more than accident that three of the five great legal names which Americans associate with sociological jurisprudence are Jewish names, Brandeis, Cardozo and Frankfurter.⁴⁹

Fuchs might have added Jerome Frank to that list, and today he would be able to note that the other two Jewish Supreme Court justices, Goldberg and Fortas, also achieved their initial prominence as law reformers who viewed law as a device to achieve justice and social change.

Fuchs is also right to single out prominent jurists in his discussion of

47. D. Elazar, "American Political Theory and the Political Notions of American Jews" in *The Ghetto and Beyond*, n. 15, p. 205.

48. *Ibid.*, p. 226, n. 35.

49. Fuchs noted Stone and Holmes as the other two. L. Fuchs, *The Political Behavior of American Jews* (1956), p. 191. See, also, L. Fuchs, "Introduction," *American Jewish Historical Quarterly* LXVI, n. 4: 186.

Jewish politics. Elazar believes that, as a community, American Jewry has left its greatest mark on American government in the courtrooms rather than in legislatures or bureaucracies. He attributes this to the strong tradition of Constitutionalism in the Jewish jurisprudence of the Bible and Talmud. He cites the vision of the ideal commonwealth presented in the Book of *Joshua*: a republican government bound by a Divine Constitution, where every man's rights are protected by law. From these theological roots Elazar and others have traced the development of modern, democratic conceptions of the activist state which regulates individual enterprise in behalf of the common good and for the protection of individuals. They have distinguished the Jewish emphasis on this-worldliness, which is receptive to the possibility of law reform here and now, from the Christian rejection of social betterment through the state.⁵⁰

Jerome Frank's description of the type of lawyer (predominantly Jewish) whom he selected for his New Deal alphabet agencies illustrates this Jewish "jurisprudence in action:"

Those who sympathize (whether or not avowedly) with experimental jurisprudence have found it easy to work for the New Deal. It is not only because they are less procrustean and more flexible in their techniques. It is because legal institutions and devices are constantly viewed by them as human contrivances to be judged by their every day human consequences. Accordingly, the experimentalists are stimulated by the opportunity to help contrive new government agencies to be used experimentally as means for achieving better results in agriculture, industry, labor conditions, taxation, corporate reorganization, municipal finance, unemployment relief, and a multitude of other subjects.⁵¹

The ability to contrive new approaches in these fields — and one should add landlord-tenant relations, privacy, criminal defense rights, mental health law and more to Frank's list — requires more than holding a certain *view* of the law. It requires the ability to think logically and to ask hard questions — of oneself, and of the system being examined. This smacks, of course, of the Talmudic style of inquiry: the "eagerness to question and re-examine convention and accepted views and to root out underlying causes," as Adin Steinsaltz describes it.⁵² But for secular Jews unfamiliar with either the content or process of Talmudic thought, the inevitable sense of alienation, of being on the outside, can also serve to sharpen their reformist perspective. As Sigmund Freud reflected on his tentative Jewishness in a famous speech to the B'nai B'rith:

Because I was a Jew I found myself free from many prejudices that hampered others in the use of their intellects; and as a Jew I was prepared to take my place on the side of the opposition and renounce being on good terms with the "compact majority."⁵³

50. D. Elazar, *Op. cit.*, 46, pp. 212, 221-222; see *The Political Behavior of American Jews*, n. 48, pp. 190-199.

51. J. Frank, "Experimental Jurisprudence and the New Deal," 78 *Cong. Record* (1934), pp. 12412-12413, quoted by R. Glennon, n. 16, p. 26.

52. A. Steinsaltz, *The Essential Talmud* (1976), p. 4.

This final “theory” is, then, a synthesis of the others, as it combines a substantive worldview with an individual’s self-view vis-à-vis the social context. It may also be an answer to the question of “what made Mr. Brandeis be Mr. Brandeis.” Like each of the five preceding theories, it alone is incapable of explaining a broad, collective phenomenon in all of its manifestations. Perhaps, however, it contains the articulation of a jurisprudential tradition with which individual Jewish lawyers can identify, with self-recognition and pride.

Epilogue: From Jewish Lawyers to Lawyers for Jews

Perhaps the next stage, after pride and identification, is to turn the messianic fervor inward, in behalf of the Jewish community. The tradition of Jewish lawyers working in behalf of the Jewish community, the *Jewish* public interest, is not a wholly recent one. From Louis Marshall, Joseph Proskauer and Alexander Pekelis to Morris Abram, Eugene Gold, Leonard Schroeter and Alan and Nathan Dershowitz, many prominent Jewish attorneys have found time and room in their careers to dedicate themselves to action *pro bono judaico*. Even when engaged in a universal cause, they have consciously considered the Judaic roots of their commitment and its consequences for Jews. What may be new, however, is an emerging trend among the bar’s rank and file, as well as its leadership.

Harvard Law Professor Alan Dershowitz notes that more and more Jewish law students are devoting themselves to Jewish civil liberties and civil rights issues, in addition to the more “traditional” paths of consumer protection and poverty law.⁵⁴ They are undoubtedly following his lead. Perhaps more than any other attorney, Dershowitz has fervently fought in behalf of Jewish rights and Jewish honor — in the U.S.S.R., in the Middle East and in America. He has defended victims of Soviet repression such as Edward Kuznetsov, Josef Mendelevich and Anatoly Scharansky, as articulately as he has supported academic freedom for a Communist at Stanford, for example. His role as “the lawyer of last resort” for death row convicts is also extended to unpopular Jews such as Rabbi Bernard Bergman and J.D. Links.⁵⁵ Dershowitz’s own background, including an Orthodox upbringing and experience with discriminatory law firms,⁵⁶ provides confirmation of at least two of the theories of Jewish legal motivation proposed here. But in the long run his most enduring contribution may be the image he has championed and fostered, that it is now respectable, and indeed even honorable, to be a Jewish lawyer in support of the causes of Jews.

53. S. Freud, “On Being of the B’nai B’rith,” (May 6, 1926), appearing in S. Freud, *Letters of Sigmund Freud*, ed. E. Freud (1961), p. 368.

54. “A Moment Interview with Alan Dershowitz,” *Moment* (July-August 1982): 19; see, also, Y. Kaufmann, *The Lawyers Unite*, *MOMENT* (Sept. 1985): 45, describing the recent emergence of organizations of Jewish lawyers and law students specifically devoted to Jewish concerns.

55. A. Dershowitz, *The Best Defense* (1982).

56. Conversation between Dershowitz and author, Nov. 14, 1978.

“Our Brothers and Our Flesh”: Rabbi Esriel Hildesheimer and the Jews of Ethiopia

DAVID ELLENSON

THE RECENT ATTEMPT BY THE CHIEF RAB-
binate of Israel to have *Beta Yisrael*, the Jews of Ethiopia, affirm their Jew-
ish identity by undergoing a “Covenant Renewal — *Hithadshut Habrit*” —
ceremony of immersion in a ritual bath has met with stiff resistance.
These individuals, despite their ignorance of Hebrew and rabbinic tradi-
tion, and in the face of discrimination and persecution, have still clung to
their millennia-old belief in Judaism and tend to resent any position or
program which casts aspersions on their identity as Jews. While the inter-
vention of Prime Minister Peres with the Chief Rabbinate on behalf of
Beta Yisrael has warded off the most recent crisis (the Rabbinate will no
longer require blanket immersion of all the Ethiopians, but does reserve
the right to challenge the “Jewishness” of individuals in specific cases), the
whole episode has generated a great deal of controversy within Israel and
abroad.

It is instructive to remember that the debate regarding the “Jewish-
ness” of *Beta Yisrael*, even in the modern period, is not a new one. Over
one hundred and twenty years ago, Rabbi Esriel Hildesheimer
(1820-1899), then the Orthodox rabbi of Eisenstadt, Hungary, and later,
in 1874, the founder of the Orthodox Rabbinical Seminary in Berlin,
published a circular (in both Hebrew and German) in the Jewish press of
his day concerning the status and plight of Ethiopian Jewry. Alarmed by
reports that missionaries in Ethiopia were attempting to convert them to
Christianity, Hildesheimer issued his circular to affirm the position that
these people were Jewish and that it was the obligation of world Jewry to
assist their brothers and sisters in Ethiopia during their time of need. Hil-
desheimer’s remarks on their “Jewishness” merit attention, since his
“inclusivist” stance toward their authenticity as Jews contrasts rather
sharply with the more “exclusivist” one adopted by the Israeli Chief Rab-
binate today. As such, his remarks are not only of historical importance,
but possess timely significance. They express in a straightforward man-
ner what the attitude of the world Jewish community ought to be toward

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those Ethiopian Jews who, after so many years, have begun to return to Zion.

The Hebrew text upon which the following translation is based appeared originally in 1864 in both *HaMevasser* and *HaMagid*. It has been reprinted in Menahem Waldman's, "A 'Circular' on Behalf of the Jews of Ethiopia — Rabbi Esriel Hildesheimer," *Sinai* (Vol. 95, nos. 5-6). Below are excerpts from the Hildesheimer document.

A Circular to All Our Brothers, the Children of Israel (1864)
— Esriel Hildesheimer

For many years a trembling heart has seized every man in Israel as a result of the rumor we have heard from Africa. The howling voice of 250,000 of our brothers, the Children of Israel, from the Land of *Kush* (Abyssinia) has risen up in our ears. For in the duration of our Exile, on account of our many sins, they were virtually driven far away from the border of our holy religion, and only the twenty-four books of the Holy Scriptures and the holidays of the Lord were signs to them that they had come forth from Zion.

[Hildesheimer then goes on to lament the fact that during the past year alone English missionaries had converted thirty-six of these families to Christianity by claiming that they had failed to hear, on account of their isolation, that the Jewish "messiah," Jesus, had come. The head of the Ethiopian Jewish community, called the "High Priest," had written to the *Beit Din* in Jerusalem to learn if this report was true.] . . . I knew full well that the heart of every man in the Household of Israel, upon hearing of this, would be agitated, for are not all Jews responsible for one another? And I also knew that many, especially among pious believers, would be stirred to pay careful attention to this great evil. Therefore, on account of all this, I, the lowliest among the thousands in Israel, in company with beloved friends, neither held back my strength nor my meager power, I did not rest nor was I silent until our thoughts on this matter were placed before my brothers and before God. for I said, it is time to speak and time to serve the Lord.

Therefore, amidst this thicket of doubts, [I ask], Are the Jews in Abyssinia truly the Children of Abraham, Isaac, and Jacob? . . . At first, we genuinely wavered between two poles on the question of the genuine origin of the Jews of Abyssinia — are they Children of the Household of Israel or not? And thus we find individuals (even though they are a minority) who hold the opinion that they are not from the Children of Israel.

Nevertheless, pay attention to that which is stated in the *Radbaz* (Rabbi David ben Zimri, 1479-1573), Responsum #219, concerning their status as Jews (Ben Zimri's view is a positive one).

The scholar, Philoxenos Luzzatto (1829-54), also spoke about this at

length in a logical and well-reasoned fashion in the journal, *Archives Israélites* (from the years 1851-1854), demonstrating with convincing proofs that we are brothers, children of one father. In addition, one of my most beloved and closest friends (Rabbi Joseph Guggenheimer who, in 1865, published an article on this subject in *Jeschurun*, XI: 205-218) will soon publish a special essay on this matter in German to reveal clearly that *Beta Yisrael* in Abyssinia, otherwise known as Falashas, have truly sprung forth from the loins of Israel.

In addition to all this, I have examined and investigated the essence of this matter well in Jerusalem, may she be rebuilt and established, and behold I will tell what I have heard about this from the head of the Christians in Abyssinia. And here are his words:

The Jews who are in the Land of Abyssinia, who are commonly referred to as Falashas, believe in the religion of Moses; and they are always regarded as full Jews by their neighbors. Some of them appear Caucasian, while others appear Negroid. Their language is Amharic and, according to my knowledge, their sages and the learned among them speak another language, but their number is minute. They remember the Sabbath to sanctify it and they also observe the holidays, though not according to the known tradition and way which has been passed on [rabbinically] to the Children of Israel; they know all of the Written Law, and they possess a translation of the Holy Scriptures in Amharic. Also, the Christians who dwell in their cities come to them in order to receive instruction concerning the teachings of the Torah.

And behold, there is also one priest from the Missionary Society [Henri Aaron Stern, an apostate Jew] who stated explicitly that

it will be easier for us, their brethren in the Household of Israel, to approach them and open their eyes and incline their ears to Christianity than would be the case with another missionary. For the Falashas yearn to receive doctrine from the mouths of their brothers in Europe.

From all this it is clearly known to us that they are our brothers and our flesh, and the time has come to rescue them and restore them to life . . .

Eliezer Schweid: A Philosophy of Return

MICHAEL OPPENHEIM

THERE HAS BEEN A DEEPENING APPRECIATION for modern Jewish philosophy by North American scholars as reflected in the increasing number of articles and major works that focus on German-Jewish thought of the early twentieth century and on contemporary North American Jewish thought. However, the area of Jewish philosophy in Israel has been almost totally overlooked. This examination of some of the most important themes in the writings of the contemporary Israeli philosopher, Eliezer Schweid, represents an initial effort to address this lacuna. Schweid, who is a professor of philosophy at the Hebrew University, is one of the most prolific and incisive thinkers on the Israeli scene.* He has published articles, collections, and major works that examine aspects of medieval Jewish thought, the history of modern Jewish philosophy, the history of Zionist thought, and the implications of Zionism for authentic Jewish life in our time.

Eliezer Schweid's writings, despite their diversity, constitute a single whole by virtue of their focus on the encounter between the Jewish people and tradition, on the one hand, and modernity, on the other hand. Even those inquiries that seem to be purely historical treatments of a particular period or thinker eventually reveal Schweid's overriding concern to uncover new insights into the nature of this unique encounter and the possible authentic responses to it. This essay will explore Schweid's philosophy of return, that is, his understanding of the dynamic that leads the individual Jew from a stance of alienation from his identity as a Jew and as a member of the Jewish community and tradition, to a standpoint that affirms this identity and these relationships in the fullest and most authentic way.

There are two distinctive, omnipresent characteristics of Schweid's portrait of the individual's return to Judaism. The first is seen in the approach that he utilizes to answer the individual's question of identity, that is, the question of "Who am I?" The second is the particular criteria that he critically applies to test the authenticity of all of the proposed solutions to the identity quest.

According to Schweid, the question about the "I" cannot be answered

* He is the first and most important Israeli philosopher whose training and outlook were not formed by a European or American background. Schweid was educated and shaped originally by the main stream of Zionist thought, the labor Zionist movement.

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just by pointing to the isolated individual and his unique personality or characteristics. The "I" is neither self-caused nor entirely self-chosen, but lives in the midst of a particular history and set of relationships. Schweid ties together the question of "Who am I?" with the question "Whence do I come?" The question of identity begins with a focus on the ties to one's family, to the people and to the historical, cultural, and religious dimensions of the life of that people. Schweid underscores this method of analysis with the statement that "one's total recollections are the beginning of identity."¹

The second distinctive dimension of Schweid's discussion of the individual's path of return is his application of three criteria of authenticity — wholeness, continuity, and creativity. In assessing any established or proposed solution to the issue of Jewish identity, Schweid asks whether the standpoint allows one's Jewishness to inform all areas of one's life, provides a continuity between the Jewish past and the present life of the individual and community, and acts as a platform for creative additions to the ongoing Jewish tradition.

He recognizes that not all Jews begin their path of return from the same point, and that they do not finally arrive at the same destination at the conclusion of their quests. Of the two basic points of departure that he discusses, the first reflects the individual who is deeply alienated from both the Jewish community and the past tradition. For this person, the journey of return begins with the desire to find an authentic, positive relationship to the community, the Jewish people, and its history. As we will see, Schweid insists that a relationship of wholeness, continuity, and creativity with the Jewish past and present demands that the individual appropriate important elements of the Jewish religious life, in particular, the *mizvot*. If a whole Jewish life is the goal, then a powerful religious foundation for it is inescapable.

The second point of departure is introduced in terms of the Jew who already has a meaningful Jewish identity and life, but who maintains a secular, "cultural" definition of Judaism. This person becomes aware of the inadequacy of his present standpoint, which he comes to see as only a momentary place of rest in the context of a longer and more demanding path of return. In describing this journey, Schweid continues to affirm that an authentic Jewish life necessitates a positive relationship to Judaism as a religious tradition. However, he does not believe that he has the right to demand of the individuals and groups representing this secular standpoint that they completely repudiate their present self-understandings and somehow transform themselves into "religious" persons.

In the long essay, "The Solitary Jew and His Judaism," Schweid discusses the "solitariness" or isolation of many modern Jews and the path that leads them out of that situation. A diagnosis of the hollowness of the

1. Eliezer Schweid, *Judaism and the Solitary Jew* (Tel Aviv, 1974) [Hebrew], p. 33.

situation of the solitary Jew is contained in Schweid's attempt to provide a phenomenological account of the individual's moment of awakening to his present inauthenticity. He suggests, with an urgency that clearly reveals an autobiographical event behind the statement,² that the task of being responsible for guiding the life of one's children often elicits a reexamination and reevaluation of one's own relationship to people and tradition. Schweid writes that "what one can say with certainty is that the change occurs for the majority at the time that one becomes a father to children who have left the age of infancy."³

In the face of this responsibility for education, in the widest sense, the individual begins to realize that a full human being is defined by relationships and obligations that transcend the self and the present. He discovers that if he wishes for a continuity between himself as father and his son, there must be a continuity between himself as son and his father. He summarizes this insight thus:

It is simple. It is impossible to be a father in the full sense of the concept — one who gives birth to his son not only physically but also spiritually — without being a son in the full sense and correct sense of the word — one who receives a heritage of the life of the spirit.⁴

The individual who seeks an authentic and creative life must have a positive relationship to the totality of the Jewish people and the Jewish past. The task of educating children brings to the isolated individual the awareness that there cannot be true freedom, integrity, or creativity if one remains cut off from family, people, culture and history. The question of education thus leads to the question of "Who am I?" and to the examination of one's life as both son and father. Authenticity and creativity are nourished by those cultural contents that have been received and that will be passed on.⁵

The recognition that not all elements of the solitary Jew's past are equally accessible and that there can be no full-blown leap from solitariness to fullness, brings Schweid to commence his description of the path of return with the datum that he believes is the most directly accessible, the *family*. He writes:

The strongest relation of the Jew to Judaism, in terms of the nation and the tradition is the family relation. The decision to be loyal to Judaism or to withdraw is, in fact, first of all the decision about the relation to the Jewish family in which one was born, including those contents through which it lives out its unity.⁶

The family is the starting point as well as a paradigm for Schweid's

2. In a private discussion in 1982, Schweid indicated that the problem of the Jewish education of his children brought him to re-examine his relationship to Judaism.

3. *Solitary Jew*, p. 17.

4. *Ibid.*

5. *Ibid.*, p. 17.

6. *Ibid.*, pp. 43-44.

descriptions of the ever widening circle of people, values, and ways of life that provide the context for the individual's identity. While the structure and relationships that make up the family provide a foundation for the self-understanding of every person, there are unique ways that the Jewish family experiences these universal features, and that is through the particular ways that religious values and obligations inform and direct the relationships among its members. The Jewish family constantly expresses the Jewish view that love entails obligations: of children to parents, of parents to children, of parents to each other. When the solitary Jew reevaluates his relationship to his family, he confronts for the first time the fact that there must be a significant encounter with the meaning of Judaism as a religious tradition if he is to step beyond his standpoint of isolation.

The examination of the nature of the family leads to the next step in the individual's journey or return. The family is not just an isolated unit of individuals who are related by blood. To affirm the relationship and value of the family one must also affirm the relationship to the people, which is the physical and cultural carrier of the family. Schweid focuses upon this point and he criticizes those who argue that the category of one's people is anachronistic in the context of the modern world. He says that,

the relationship to one's people can be denied or ignored but the outcome of that is the leveling of spiritual creativity and the desertion of the value of man as a creative personality.⁷

The decision to be part of a people and participate in the life of that people, Schweid acknowledges, is not momentous for most individuals. However, for the solitary Jew the decision is critical, since through it he accepts or rejects his link to the destiny of the Jewish people. In our own time, the decision to accept that relationship necessarily implies some type of participation in the renaissance of the people in the land of Israel. In a wider sense, however, the bond to the people, as with the other relationships that punctuate the path of return, requires an examination of Judaism as a religious tradition. Schweid reiterates, in this connection, that there is no Jewish people without Torah.⁸

The widening circle of relationships that provide wholeness, continuity, and creativity for all individuals, including the solitary Jew, extends beyond the family and people, to the history, culture, and sacred sources of that people's life. Again, what is distinctive to the Jew's situation is that in affirming these bonds he is compelled to reassess his relationship to Torah. Torah, as the expression of the covenant with God and as imposing obligations on the life of the individual, is an inescapable dimension of the Jewish family, people, culture, history and sources.

At this point, the journey of return must either end with a premature

7. *Ibid.*, pp. 61-62.

8. *Ibid.*, p. 56.

standstill that could have been foreseen from the beginning or Schweid must describe a new type of encounter between the solitary individual and Torah. Additionally, since Torah is not understood here as mere history or storehouse of cultural values, but as covenant and *mizvot*, the issue of religious faith is clearly implied. Schweid speaks of this as accepting "Torah as Torah," and his analysis of the dynamics of this act of acceptance is obviously of great significance.⁹

To accept Torah as Torah requires faith, but faith is not some kind of mysterious inner power that either springs *ex-nihilo* or is absent. The return to faith is aided by the understanding that it is neither merely a personal nor a communal experience, but both. The personal dimension is nourished by the individual's quest to know himself in the deepest way, to know of the meaning of his particular existence and of life itself. The communal dimension is nourished by the identification with this particular people which seeks to understand the bases and purposes of its existence. When the individual turns to Torah and asks these questions about the nature of the self and the nature of the community, he begins the encounter with Torah as Torah.

This encounter is not motivated by the desire for faith, which Schweid feels would destroy the integrity of the whole endeavor, but by the desire to understand and to live out authentically and creatively these questions about identity and meaning. Further, if through this encounter with Torah the solitary Jew emerges with faith, this does not mean that the searching and the path of return is complete. Torah is not a static body of truths and obligations, but the foundation for a life in the present that combines a continuity anchored in the past with a creativity giving meaning and direction to the future. To accept Torah as Torah means that the individual sees it turned towards him and informing his total way of life. Through life in the community the individual renews the validity of the early covenant and interprets and expands it according to the conditions of his life and time.¹⁰

The final stage in the solitary Jew's return to tradition has to be understood in terms of this attempt to appropriate wider and wider spheres of the obligations of Torah into one's life. At this point the individual acknowledges and experiences the divine authority behind the *mizvot* and the divine presence within particular ones. While he is unable, all at once, to see every one of the *mizvot* as meaningful, he questions the legitimacy of merely choosing or selecting those that appeal to him. This is not an uncommon situation, and Schweid suggests that a deeper understanding of the nature of a *mizvah* will point the way to a legitimate solution.¹¹

A religious *mizvah* is defined as "a directive whose source is in a

9. *Ibid.*, pp. 98-104.

10. *Ibid.*, p. 111.

11. Eliezer Schweid, *Israel at the Crossroads* (Philadelphia, 1973), pp. 85-106.

divine authority whose presence we are in at the moment we give our obedience as an act of free will.”¹² Many of these directives or commandments are incumbent upon the Jew at all times. Since one cannot fulfill all of these directives all of the time, Jews have chosen in the past, and continue to choose in our day, what particular *mizvot* are to be fulfilled. The individual makes this choice “in accordance with his own personal promptings in general and particular circumstances he is in and in keeping with his inner inclinations.”¹³

What distinguishes the Jew who is beginning to observe the *mizvot* from the one who grew up within a community of other religious Jews, is that the former does not find himself inwardly prepared to observe many of the *mizvot*. They are not meaningful to him, because they are cut off from his past and present set of activities and life situations. Schweid does not believe that the individual should observe those commandments for which he is not ready. Rather, the individual should begin by observing those commandments which are linked in some way to his earlier family life or schooling. From this initial set of *mizvot*, the person must then train himself to appropriate more and more. Schweid summarizes these ideas by stating:

The only general rule is to perform what is right for you out of the Torah. Approach the totality from the place where you now stand. But it must be stressed over and over again that the aim must be toward the totality through study and deepening and through a gradual approach, going from the familiar *mizvot* toward those that are related to them. For when a person seriously intends to observe *mizvot*, he binds himself to the totality in one corner, and then he spreads his reach out wider and wider.¹⁴

As indicated previously, Schweid describes two different points of departure for the individual Jew's return to Judaism. The path of return for those who already stand in a relationship to Judaism but understand Judaism “as culture” supplements basic features of Schweid's earlier treatment. The situation of the cultural Jew is a major focus within Schweid's corpus of writings for a number of reasons. First, he holds that the majority of Jews of this generation who have a positive relationship to Judaism have it by virtue of the appeal of Judaism as culture. The power of this standpoint is particularly evident in Israel. Second, this definition of Judaism is the meeting ground or the “common denominator” for the other two understandings of Judaism that are current at this time: that one's Jewish identity is an inescapable fact and that Jewish identity finds its only real expression through particular religious beliefs or practices. Third, the establishment of the modern state of Israel as a political entity

12. *Ibid.*, p. 86.

13. *Ibid.*, p. 94.

14. *Ibid.*, p. 97. Schweid's approach to *halakhah* as well as to the general issue of the return of the Jew is similar in many ways to that of Franz Rosenzweig. See, for example, Franz Rosenzweig, *On Jewish Learning* (New York, 1965), especially the essay, “The Builders,” pp. 72-92.

and as a Jewish homeland attests to the power of this definition. Most of those who brought about this unparalleled achievement were motivated and guided by this standpoint. Finally, despite these considerations, Schweid believes that the cultural definition is fundamentally and unavoidably flawed.¹⁵

Those who identified, and continue to identify, with the position of Judaism as culture shared a number of characteristics. They repudiated both assimilation, which was a real option for some, and the passive and deterministic view that saw Judaism merely as an inescapable fate. However, they also rejected the Orthodox definition of Judaism and Jewish identity, which emphasized the specific religious obligations that set Jews apart from others. The cultural Jew refused to relinquish his own authority to formulate a viable Jewish present in favor of what appeared to him as a static system of externally imposed obligations and restrictions from the past. Thus, the cultural standpoint was the result of both an affirmation and a rejection of the Jewish tradition. The cultural Jew affirmed the relevance of some traditional values and ways of life, such as the unity of the Jewish people, the Hebrew language as the unique cultural vehicle of the people, and the study of Jewish history as a prerequisite for selecting appropriate forms of Jewish life for the present. Yet, he refused to be obligated by Torah and the *mizvot*.

In offering a critique of this understanding of Judaism, Schweid utilizes the same criteria that he applied to the situation of the solitary Jew, i.e., wholeness, continuity, and creativity. The cultural Jew believes that an authentic Jewish life can be structured around a few specific elements of the Jewish tradition that are appropriated into the present. Schweid discusses the thought of Ahad Ha-Am as exemplifying this position. Ahad Ha-Am took from the cumulative Jewish past such elements as the Hebrew language, and even such religious features as the Sabbath, the holidays, and marriage laws. These were selected, not out of a sense of religious obligation, but because they were "sanctified" by the Jewish national will and still were meaningful in the present.¹⁶

However, Ahad Ha-Am's endeavor and those similar to his led, first, to a Jewish life that was in no sense full. While it was undeniable that "Jewish" elements were made to punctuate the individual's and the community's everyday life, these had to be supplemented and supported by vast transfusions of modern Western values, ways of life, and patterns of

15. Eliezer Schweid, *Israel's Faith and Culture* (Jerusalem, 1976) [Hebrew], p. 152. Schweid's most detailed analyses of the situation of the cultural Jew are found in *Faith and Culture*, pp. 152-178, and *Judaism and Secular Culture*, (Tel Aviv, 1981) [Hebrew], pp. 221-248. He sees the theme of the relationship between religion and secular culture as one of the central elements in his work, and he has said that he wants to "try to find out how a positively secular man can find and re-establish his relations with the religious sources of his culture." ("The Thought of Eliezer Schweid — A Symposium," *Immanuel* 9, [Winter 1979]: 94.)

16. Schweid's treatments of the thought of Ahad Ha-Am are found in *Crossroads*, pp. 69-83, and *Faith and Culture*, pp. 25-67.

thought. Further, in such cases even the so-called "Jewish" elements lose much of their original flavor and meaning. To exemplify this situation, Schweid cites the Hebrew language, part of whose integrity and richness have been lost because it is burdened with foreign words and expressions.¹⁷

In terms of the second criterion, continuity, the program and achievement of the cultural Jew are problematic. The few aspects or elements drawn from the Jewish past are taken from an environment that was permeated with religious values, ideals, obligations, ways of life, and institutions. Since this fundamentally religious culture gave birth to, and sustained, these elements, is a continuity with that past anything more than cosmetic? The dubiousness of this salvage operation is further heightened by the fact that the new content into which these elements are thrown is one where secular European values, symbols, ways of life and institutions are regnant.¹⁸

Finally, Schweid examines the adequacy of the cultural standpoint in terms of the criterion of creativity. It is already problematic within Israel, where the young people do not find their bequest from the generation of the founders to be adequate in extent or in depth. Again and again Schweid queries whether a community that rejects its religious past and bases itself upon the modern concept of secularism has the potential to give birth to new and meaningful cultural expressions.¹⁹

Over-all, Schweid finds fault with the fact that the individual chooses out of the past without a sense of being obligated to that past in any concrete way. He contends that there can be no community or state without some shared obligations and that there can be no continuity with the past unless the shared obligations are rooted in the past. Cultural identity is passed on from one generation to the next based upon the supposition that some things are obligatory, and in an absolute way.²⁰

The results of the application of the three criteria underscore the persistent theme that a positive relationship to the religious dimensions of Israel's past is the prerequisite for authentic Jewish individual and communal life. As the treatment of the solitary Jew demonstrated, there is no full relationship to the Jewish family, people, culture, history, and sources without a positive connection to the religious core of these elements. Since the cultural definition of Judaism and Jewish identity maintains a deep ambivalence towards the religious dimensions of this past, it is not an adequate standpoint for a Jewish life of wholeness, continuity, and creativity.

There are many in Israel today who recognize the ultimate hollowness of the position of the cultural Jew. Schweid has portrayed the "tragic" situation of many sensitive Israelis who acknowledge the failures

17. *Faith and Culture*, pp. 171-173.

18. *Ibid.*, p. 157.

19. *Ibid.*, pp. 193-4, and *Secular Culture*, p. 223.

20. *Faith and Culture*, pp. 154-5.

of their standpoint but who are unable to escape its hold. He describes their feelings of inquietude, which are magnified to almost crisis proportions when they must decide upon the education of children, or participate in rites of passage, or celebrate the community's special days of remembrance.²¹

In attempting to respond to this situation, some Israelis have cleared their own path to a more positive relationship to the Jewish past by delineating a "traditional" attitude toward it, an attitude currently labeled as "masorti." These individuals recognize the centrality of a religious foundation for authentic Jewish life and they endeavor to integrate more and more of the Jewish past into their lives. However, their appropriations are still selective, rather than being based upon a profound sense of being tied to the Jewish past by a specific set of obligations.²²

The type of further developments that Schweid believes are necessary for the cultural Jew are discussed in a number of essays in which he states that while the secular-cultural standpoint requires reformulation, he is not suggesting that the cultural Jew must somehow transform himself into the current Israeli model of a properly religious, *dati*, Jew.²³ Such a suggestion would be illegitimate, because it would not respect the authenticity of non-religious Jews, and because there are equally important transformations that are required for the religious camp in Israel.²⁴ What he does ask for is a consciousness of the importance of religion as the foundation for culture, a new openness to traditional religious content, a sense of the limits of even the most humanistic secular positions, and the willingness to take upon oneself specific obligations/mizvot that are experienced as binding.

A powerful cultural and national life requires a positive attitude towards religion as, at least, the expression of the highest values of Jewish culture. The standpoint of the cultural Jew has always included the understanding that some religious elements of the Jewish past should be appropriated into the newly emerging Jewish culture. However, without a new understanding and orientation to the religious dimension of Jewish life this appropriation is, for Schweid, merely a matter of manipulation. At one time he defined the new orientation or openness that is required as

an open mind toward the religious experience and religious thought as things which have meaning, even from the standpoint of someone who is not religious, insofar as he thinks profoundly about himself and his surroundings.²⁵

21. *Ibid.*, pp. 168-9.

22. *Ibid.*, pp. 169-170.

23. *Ibid.*, pp. 175-6, and *Secular Culture*, p. 233.

24. An article by this author which explores Schweid's critique of the religious "camp" in Israel should be forthcoming soon. Schweid's views are best seen in his *Between Orthodoxy and Religious Humanism* (Jerusalem, 1977) [Hebrew], *Democracy and Halakhah* (Jerusalem, 1978) [Hebrew], *Crossroads*, pp. 43-68, and *Secular Culture*, pp. 237-248.

25. *Crossroads*, p. 41.

In reexamining one's standpoint, the limits of even the highest secular standpoint must be acknowledged. This acknowledgement itself is only an extension of the consciousness of limits, of the finiteness of every particular life, that is the heritage of secular humanism. The heritage includes the ideas that every individual owes a debt to those who contributed to the cultural and historic tradition and that the individual, in turn, is responsible for guarding and maintaining the present social and natural world.

The new attitude to religion can thus be understood as supplementing and widening the secular humanist's view of himself and the world, rather than as the total repudiation of this view. It is expressed through a new relationship, one of obligation, toward the Torah and toward the *mizvot*. The obligation or duty toward Torah is met by appropriating its central themes: the rejection of idolatry, including its modern expressions, and the affirmation of one's responsibility for oneself, the neighbor, the society, and the natural surroundings. The duty to the *mizvot* is the concrete embodiment of the duty to Torah, and it is expressed in a sense of obligation to both the *mizvot* as presently defined and to the realm of *mizvot* as something that must be expanded to include more and more aspects of one's individual, communal, and national life.²⁶

Schweid's philosophy of return presents a sensitive and insightful treatment of the situation of many contemporary Jews who desire a renewed relationship to the Jewish people and the Jewish tradition, and it is significant for a number of reasons. First, there is no suggestion that a renewed relationship to the Jewish family, people, culture, history, and sacred sources demands the complete renunciation of modern, secular patterns of thought and action. There is no diametrical opposition between Judaism and modernity. The "returning" Jew is not faced with the requirement to repudiate all of his past, but to see a more positive relationship to Judaism as a logical part of his quest for authenticity. While the inadequacies of the ways of life of the solitary Jew and the cultural Jew are highlighted in Schweid's critique, he also understands and appreciates positive values embedded within modernity such as toleration, individual freedom, and a sense of man's limits.

Second, Schweid understands that one cannot be a Jew by oneself, but that the return of the individual necessitates a whole community of Jews who are deepening their relationship to the Jewish people and Jewish tradition. His ongoing commitment to Zionism provides him with the resources to envision a society in which the bond to the Jewish past nurtures that wholeness, continuity, and creativity that he sees as the criteria of authentic Jewish life. Since the realities of life within the state of Israel are the ever-present background for his thought, his criticisms and pro-

26. *Faith and Culture*, p. 176.

posals concerning the individual's path of return seem more concrete and more viable than do the views of thinkers like Franz Rosenzweig, Abraham Heschel, and even Martin Buber, who also spoke of return.

Third, the belief that religious obligation is a necessary feature in the life of the Jew who fully accepts and lives out his Judaism is reiterated throughout. There cannot be a society of any kind without a feeling of obligation to the past and, for the Jew and his community, this must be translated into a direct encounter with the Torah and *mizvot*. However, Schweid does not speak of Torah in a static way and he is critical of those who claim that there is only one legitimate interpretation of Torah and only one legitimate pattern of Jewish life. He believes that there should be a number of different communities within the state, communities that may disagree about particular Jewish interpretations and practices, but who share the view that being bound to Torah is the necessary foundation for Jewish living.

On the other hand, there are some crucial difficulties with Schweid's portrait. First, his insights are relevant only for the few, the elite, who experience the lack of meaning that he describes and who believe that change can come to the individual, the community, and the state through self-examination, study, the will, and the help of others. This elite may, in turn, come to affect some of the wider population, but the steps that Schweid sketches clearly demand a self-consciousness and rigor that only few can attain. Further, there is a bias toward expecting fundamental change to come about at the level of the individual which sometimes leads Schweid to ignore wider economic and social factors and influences.

Second, and more fundamentally, it is legitimate to inquire whether Judaism as a body of practices, values, and institutions is something that one takes upon oneself out of individual choice and holds to because it is intellectually and emotionally meaningful. Rather, is not that wholeness and meaningfulness that some experience in their Jewish lives the result of being tightly bound to a particular, usually somewhat isolated, community, and is not the only viable path of return made possible by a total repudiation of one's earlier life within an open society and the integration into a more limiting group or community? For example, in terms of religious rituals, Charles Liebman has noted that the question of meaningfulness is *not* relevant to the reasons why most Orthodox Jews perform rituals, and the anthropologist Mary Douglas has written that ritual is intimately related to a group's social structure and that the emphasis on autonomy, choice, and freedom represents a social order where the tendency is to move away from, and not toward, seeing ritual as meaningful.²⁷ Obviously, the observations of Liebman and Douglas present a serious

27. See Charles Liebman, "Orthodox Judaism Today," in Reuven Bulka, ed., *Dimensions of Orthodox Judaism* (New York, 1983), pp. 118-9.

challenge to any thinker who seeks to speak of religious return within a social context that affirms these contemporary values.

Third, while Schweid's focus on the national life of those within the state of Israel provides his thought with an important sense of realism and concreteness, the reality of the religious situation in Israel presents a great challenge to his vision. While some secular Jews have responded favorably to his writings, those who belong to the religious "camp" have neither responded nor felt the need even to listen. The emphasis on meaning and on pluralism in communal patterns is almost anathema to those who see themselves as the custodians of the religious tradition today. As he acknowledges, Schweid's philosophy of return is predicated on the belief that there will not only be Jews who wish to deepen their relationship to the Jewish people and tradition, but that those who are the masters and teachers of Torah will listen and respond creatively to those seeking a deeper and fuller relationship to Judaism.

Despite these real difficulties in his thought, his sensitivity to the appeal and to the problems of modernity, combined with his commitment to Zionism, result in a philosophical endeavor that is unmatched in our time. Schweid's work stands as a powerful witness to the creative resources of contemporary Jewish thought in Israel.

The Education of a Queen

FRIEDA CLARK HYMAN

MEGILLAT ESTHER HIGHLIGHTS FIVE PERSONALITIES: Haman, Esther, Mordecai, Ahasuerus, and Vashti. Of these, the first three are considered pivotal. Ahasuerus, the fourth, is usually dismissed as a tipsy lightweight, hovering in the background, whose main purpose is to evoke mirth and contempt. Vashti, for some irrational reason, is seen as arrogant and tyrannical.

It is time, I submit, to revise these impressions, one might almost say caricatures. Let us begin by dismissing Haman. True, he is the arch anti-Semite. True, he is accurately described, showing us brilliantly how his personal pique, his wounded vanity can be appeased only by the massacre of all of the people of the offending Mordecai.

Why, then, dismiss him? Because the power to avenge himself was not his. He was Haman, not Hitler; Haman not Nicholas I; Haman not Chmielnicki. Only a Hitler could have commanded a Holocaust. To the same degree, only a Nicholas I or a Chmielnicki could snatch Jewish children and kill Jews. But Haman could merely propose a pogrom. For its implementation, he had to look to Ahasuerus, the so-called foolish drunkard.

This royal image could not be farther from the truth. Far from being a nincompoop, the King was a driving, brutal mover of the action, ready to exploit any situation for his imperialistic ambitions. As for Vashti, she, if anybody, should command our respect, certainly our admiration.

Which brings us to Mordecai. Mordecai, according to *Hazal*, was wise, judicious, pious. Once again, I suggest that this is a serious misreading of personality. He demonstrated little wisdom, no judgment and, at best, a misguided piety.

Which leaves us Esther. Since the analysis of her character and deeds reveals the true nature of this tale and reflects the personalities of those about her, let us study her in depth.

Esther was an orphan. Midrash claims that she knew neither parent, her father having died before her birth, and her mother in childbirth. Whether so or not, we can be sure that she knew little, if anything at all, about them. Mordecai took her to him and raised her to be his daughter.

For all that he loved her and protected her, she must have borne emotional scars, as most orphans do. Fortunately, Mordecai was her

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cousin, so that she was not completely devoid of belonging, but, despite his love and protection, indeed, over-protection, we can hardly envy her.

Mordecai was a rigid personality. We know that he refused to do homage to Haman although the king had commanded it. Why? we must ask — as did *Hazal*. After all, Jews did bow to potentates and, indeed, to each other: “And he (Jacob) bowed low seven times until he reached his brother (Esau)” (Gen. 33.3). The answer to its own question comes from Midrash: i.e., Haman had sewed a replica of an idol on his garment and Mordecai, obviously, could not do homage to that. Whatever the reason, it is this defiance by Mordecai which put Israel in mortal danger. It was literally difficult for him to bend. Because of this flaw in his character, it may be assumed that Esther was tutored by him under the strictest of regimens.

And, indeed, she was, a very timid young lady. Her passivity is emphasized. She had been taken (*lekaḥah*) by Mordecai, and was again taken (*va-tilakah*) to the Women’s House of the palace. There she was put in the charge of Hegai, overseer of the Harem, where she immediately found favor in Hegai’s eyes.

This was no mean achievement. After all, Hegai was a eunuch. Womanly wiles could not have made an impression upon him, who had been dealing with many many females, all of them beauties, or they would not have been in his care in the first place.

The only answer is that Esther had to be likeable. As Midrash avers, she must, truly, have had charm. More, she was submissive: demanding nothing, accepting her lot, making no waves. Who wouldn’t like such a charge?

And when she was finally sent to Ahasuerus, she asked for no special adornment: no exotic scent, no sparkling robe, nothing. She came to the king ready to please him. After a Vashti, she was not only a pleasure, but a relief. And, in the eyes of his advisers, an ideal queen.

Which brings us to her predecessor, to Vashti. Summoned by her lord and master to appear naked (with just her crown), she rightly refused.¹ How, we must ask, did Vashti dare to deny the royal command? It can only be because she did not consider herself helpless. She must have had political clout — in other words, a respectable following that could influence the king. What she did not figure upon, was just how drunk Ahasuerus was. True, she must have known that he was a tippler. *Megillat Esther* makes a special point of telling us that each person at that feast was encouraged to drink as much as he wished. Ahasuerus probably set the pace.

1. This is not the only instance of a beauty being paraded by a husband. Caligula did so often to his Caesonia (Suetonius, *The Twelve Caesars*, tr. Robert Graves [Penguin Classics]. p. 162). So, too, did Candaules of Caria, who commanded his close companion, Cygnes, to view his wife in the nude. This order cost Candaules his life (Herodotus, *The Persian Wars*, Book I, ff. 8-13).

Obviously, then, he was hardly in command of his wits. Frustrated because of Vashti's defiance which had deprived him of an anticipated delight, he became furious, as unreasonably as a drunkard can. Exploiting that rage, his seven princes, "who saw the king's face and sat first in the kingdom," seized their opportunity. Vashti, it was apparent, was of that faction which threatened him. Memucan, their spokesman, therefore quickly advised Ahasuerus to get rid of such an insubordinate wife lest she become a model for all the wives of his Empire.

On the face of it, this was logical. But when Memucan demanded that this expulsion (or execution) be made into law, we know that he was not concerned with merely putting down a Women's Lib movement, but with a political enemy. She had to be removed permanently, before Ahasuerus had second thoughts. If she were allowed to live, her revenge would be monumental.

Nevertheless, the message that did reach the women of the Empire was that Persian society was structured for the welfare of men, not for women. A man's home was his kingdom, in which he ruled.

It was in this environment that our timid, submissive Esther was propelled onto the throne. Not only as a woman did she have to be careful, but as a Jewess as well. Now it has been said that, since the Achmaenids were Zoroastrians, they were monotheists, worshipping Ormazd, the only "god of the Aryans", as an Elamite biographer put it.² Nevertheless, as many sources attest,³ they were singularly tolerant of other gods. But she was a monotheist, an unwavering monotheist. So fragile did this make her position, that Mordecai commanded her not to reveal her identity. And, characteristically, she obeyed. Even though she was the queen, even though she was separated from Mordecai by the impenetrable walls of the Harem, she complied.

It was upon this obedient and careful young woman that a tidal wave descended. It began when she learned that Mordecai, in sackcloth and

2. Behistun rock 62 (Elamite).

3. Cyrus, founder of the Achmaenids, called on the name of Marduk after he had conquered Babylon, and on the Egyptian gods after his son, Cambyses, had conquered Egypt. In the same spirit in which Cyrus ordered the restoration of the worship of the "Lord God of Heaven," and the rebuilding of His "House at Jerusalem which is in Judah" so he rebuilt the temples of all of his subject nations. In the *Cylinder of Cyrus* we find this telling extract: "... Furthermore, I resettled all the gods of Sumer and Akkad whom Nabonidus has brought into Babylon, unharmed in their former chapels, the places which make them happy."

In a Greek inscription dating from the fifth century B.C.E. we read: "The King of Kings, Darius, son of Hystaspes, to his servant, Gadestes, speaks thus: ... because you have concealed my ordinances that I have made to honor the gods, I shall send you a token of my offended wrath, unless you mend your ways. You have taken tribute from the sacred gardeners of Apollo, and have commanded them to till unhallowed soil, in ignorance of the inclinations of the hearts of my forefathers toward this god (Apollo) who has revealed truth to the Persians." (From the collection of W. Dittenliriger, *Sylloge Inscriptionum Graecorum* [Leipzig, 1915], Nr. 22).

ashes, was outside the king's gate, crying "with a loud and bitter cry" (4:1). The news terrified her. How do we know? Because she acted like the scared rabbit that she was. The normal reaction would have been for her to discover the cause of such strange behavior. Instead, she sent a servant with clothes for Mordecai to don.

Above all, it was clear, she had to quiet him. He had to be submerged into the familiar Persian landscape, to remain unobtrusive. There must be no rumpus, no scene. If he continued to disturb the royal ambience, who knew what the result would be both for himself and for her?

It was only when Mordecai refused her clothes, that she did what she should have done immediately. She sent a chamberlain whom she trusted, one Hatakh, to ask Mordecai "what this was, and why it was" (4:5). In reply, she heard an account of the events leading up to this lamentable display by Mordecai; not only of his role, we must assume, but also of the decree against the Jews of the Empire. Curiously, in the light of what we know of the arrangement between Ahasuerus and Haman, Mordecai made a point of the exact sum of silver that Haman had promised the king for this pogrom. And, finally, Esther was commanded by her cousin to go to Ahasuerus and beg for the rescission of this draconian edict.

This sent her into a worse panic. Didn't he know that he was asking her to risk her life? Didn't he know that anyone, man or woman, who came to the king unbidden, would be slain unless Ahasuerus extended his golden sceptre? His elite troops, the Immortals, with their pomegranate-tipped spears, hovering over the throne, would not wait long.⁴ Moreover, she had not been called to Ahasuerus these thirty days.

This last, she thought, must silence Mordecai. For all that she had been chosen from among the other beauties of the Empire, Mordecai was not to suppose that the king was burning for her. If her uncle was depending upon her sexual charms, he was making a false assumption.

But to her horror and amazement, this obdurate man who had caused this deadly crisis, this Mordecai, who until then had protected her, indeed, tried to extend his protection or control into the very palace itself, became her adversary. With a cold and ineluctable logic, he stripped her of any defense that she might invoke.

His three arguments we know: one, that she would not escape the fate of Israel though under the royal roof; two, that if she did not help, someone else would, but that she and her father's house would perish; and three, that it might be for this moment that she had been raised to her present position. Each one was a lash across her nakedness.

Of the three, it was the last which cut deepest. For there can be little

4. Danger of assassination was only too real. Ahasuerus (Xerxes I) was, indeed, assassinated by the Commander of the palace guard, conspiring with a favorite eunuch. So, too, was the heir to the throne, Darius. That is how Artaxerxes ultimately succeeded to it, for it was he who killed his brother, Darius. Shades of Bigdan and Teresh!

doubt she must often have wondered how it was possible that she, who was so unequipped, could have been chosen queen. What she heard from Mordecai, then, was the echo of her own bewilderment. It was that which worked its alchemy upon her, for it dried up that mystical haze that had enveloped her, lo, these many months or years. Her fate, then, was no longer a mystery or an astonishment; it had been ordained. At the same time, it evoked that conduct inherent in majesty, for if she was, indeed, royal, being appointed by Providence Itself, she dared not be servile.

How else explain her instant metamorphosis? How else explain this timid mouse of an Esther suddenly speaking with imperial accents? The Jews of Shushan were commanded to fast for three days. So, too, would she and her maidens. Then she would invade the King's court. And, she added with a dignity that was startling in this former faint-heart, "If I perish, I perish" (4:16). It was with this philosophy that she both confronted and accepted the possibility of her death. With a fine reversal of roles, Mordecai, hitherto the father-figure, the commander and protector of Esther, did "according to all that Esther had commanded him" (4:19).

For all her aura of authority, she moved circumspectly. She had invoked God's aid; next she had to approach Ahasuerus. And should he hold out his sceptre, how would she address him? On what basis would she appeal to him?

Clearly, she had to be diplomatic. Under no condition could she come as accuser. There was to be no hint of culpability, his, that is. On the contrary, she had to pander to his vanity, to his pleasures. How? How but with parties, how but with plenty of wine, how but with a fetching smile and a loving mien?

Thus, after her fast, and after her preparation, and she did not, we can be sure, spare her toilette, nor the finest and most alluring garments, she moved. Trembling, undoubtedly, she left the Women's House and ascended the steps to the Inner Court and to her fate. There, where she could be seen from the throne, she waited.

She need not have worried. For a king who regretted the banishment (and perhaps execution) of Vashti, it would have been out of character to lose this new darling. Besides, not having called for her for thirty days, he was undoubtedly more than ready for her favors. Hence, he held out the golden sceptre.

For all his pleasure in her appearance, he realized that only a serious, a deadly serious, matter would have emboldened Esther to come, unsolicited, to him. Therefore, he asked: "What do you want, Queen Esther, for whatever your request, even to the half of my kingdom, it shall be given you" (5:3).

Had Esther taken this offer literally, we can be sure that the machinations of Haman would have been successful. But retiring though she was, she had, by this time, learned the court idiom. Whatever involved half of Ahasuerus' kingdom had best be ignored, as it was. Instead, we can again

be sure, she smiled most winsomely, and invited him and Haman to a party.

That he agreed promptly need not surprise us. He could not resist a party. A party, after all, was not only fun, it was cheap. However, his curiosity had been piqued. What could his lady want, she who was such a good and obedient girl? Therefore, at the party, he repeated his question. Only, this time, he enlarged upon the “half the kingdom” bit, and assured her that “Whatever your petition, it shall be granted” (5:6).

This could be a significant addition, if his word was his pledge. But, still, she dared not show haste. She had to keep him guessing, had to continue titillating him. More, she could not in any way alert Haman, who had to be present at the denouement, but must not, until too late, suspect the danger to himself. He still had the king’s ear, he could still be the most influential subject of Ahasuerus.

As we know, she succeeded. Once again she invited the two. They had had such a good time, why not another? Only this time, she promised to tell all. Unsuspecting, they came. And once again Ahasuerus guaranteed her petition. With the moment full upon her, Esther spoke up. And it is at that point, with the divulgence of her identity, that we begin to realize just how grim and terrible a tale this is.

It is Esther who alerts us with her baffling statement: to wit, that she would not have been begging for her people’s life if she and Israel had but been sold for slaves, for, in that case, the king would have suffered no damages. Surely we must wonder. What damages would Ahasuerus have suffered if Israel were not murdered? We can, on the other hand, understand how the king would gain by Israel’s sale into bondage. The money would have filled the royal coffers.

But we are not given a chance to wonder. The reaction of Ahasuerus is what concerns us, so shocking was it. Seemingly, he became so furious that he stalked out of the room into the garden, in order to control himself. But why? He knew of the forthcoming pogrom; he had agreed to it. Indeed, after acceding to Haman’s request, both of them had feasted, leaving all of Shushan perplexed.

Then why this burning rage? Why this exit? Why, if not to gain a moment’s respite? Why, if not to absorb this startling news about his Esther, and all of its implications. She, his queen, his Jewish queen, was certainly no threat to him. As he had known all along, no Jewish subject was. Haman’s reasons for that pogrom had been absurd: “A people scattered abroad and dispersed . . . their laws diverse, neither keep they the king’s law . . .” (3:8).

Ahasuerus, after all, ruled over one hundred and twenty provinces. His Empire included a myriad of peoples, each with its own laws, customs, mores, religion, dress, speech. Different laws were not only

tolerated, but often approved.⁵ All that Ahasuerus (Xerxes I) was interested in, was what interested each Emperor of Persia: taxes and manpower for his army. After fulfilling these two royal demands, the various peoples could live in peace and contentment according to their ancestral laws.

As for the charge of disobedience to the king's law, Ahasuerus knew all along that it was false. Nevertheless, he had pretended to believe it. Why? Because he needed funds. He was preparing for the conquest of the Greek states, a preparation which took over four years. As the Catholic Kings of Spain in their day permitted the introduction of the Inquisition in 1480, just before the invasion of Granada, in order to accumulate Jewish wealth, as Hitler, in his day, expropriated Jewish possessions for his war machine, so Ahasuerus seized upon this opportunity for filling his treasury. Haman, after all, had promised him ten thousand talents of silver.

But this raises two questions. One, where could any one man find that kind of money? The gross income of silver revenue from all of his Empire did not exceed that amount. Two, how could Ahasuerus take what he had refused? Had he not said explicitly to Haman: "The silver is given to you, the people (Israel) also, to do with them as it seems good to you" (3:11).

The answer to the first problem is that no one man could supply such an amount. The ten thousand talents of silver were to come out of the pockets of the victims, the dead Jews. All the property of condemned people was transferred to the king. Megillat Esther tells us how promptly Haman's estate was confiscated and given to Esther (8:1).

The second problem is no problem at all if we bear in mind that it was a king who spoke. The court vocabulary was a unique one. If it involved funds, it was not to be taken literally. Just as the "half of the kingdom" was not to be believed, so Haman knew very well that he was not to keep the plunder that the massacre of Jews would yield. That explains why Mordecai emphasized this aspect of the deal between Ahasuerus and Haman. Not only must he have known of the ten thousand which Ahasuerus wanted, but all of Shushan did as well. Esther, thanks to Mordecai, was, as we saw, also alerted. And that made her petition infinitely more dangerous.

Therefore, when Ahasuerus stormed out of that room, he was not so much angry at Haman as he was aghast at the prospect of losing the funds that he so sorely needed. And, to be sure, when he did return, he granted Esther only her life and, it is to be inferred, the life of Mordecai. Of the life of her people, of Israel, he said nothing. The damage to which Esther

5. Here is an example of how a Jewish law was endorsed by Darius, who ruled 419 B.C.E.: "... count fourteen days of ... Nisan and keep the Passover ... Be clean and take heed. Do not work on the fifteenth day and on the twenty first ... drink no beer nor anything in which there is leaven ... let it (leaven) not be seen among you" (*The Jewish Experience*, Vol. I, p. 198.)

had referred, the loss of the talents of silver, was too much for Ahasuerus to contemplate.

However, Esther could not be contained. Her "If I perish, I perish" still held. Once again she came, unbidden, into the presence of the king, and, without even waiting for the reprieve of his sceptre, fell at his feet and begged for the life of her people.

Obviously, he could not resist her. The sceptre again touched her, and her petition was granted: not that Jews might attack, but that they might defend themselves.

Ahasuerus, however, still needed funds. We may assume that he got them, or a part thereof. Three times the Megillah tells us that, despite their victory over their would-be murderers, no Jewish hand stroked the spoils. Since no Jewish hand touched the plunder, whose did? Whose but the royal one?

We may not be far off the mark if we deduce that Esther and Mordecai cautioned their brothers not to covet the wealth of their enemies. After all, they would have been anxious to limit the damages to their mercurial master.

That he did not find all of the ten thousand talents in the estates of those who perished, we can be sure, or how explain that first sentence of the last chapter: "And the king Ahasuerus laid a tribute upon the land and upon the isles of the sea" (10:1). What could have possibly inspired such an interloping comment? And what has this to do with the successful finale of Megillat Esther?

Indeed, everything. It is not an interloping comment at all. It was the motive for the decree of genocide. Not the reasons advanced by Haman, which, as we know, were ridiculous. Haman's consuming anti-Semitism could not have made Ahasuerus eliminate a nation of his Empire. But ten thousand talents of silver, and whatever else the property of the Jews would have yielded, were crucial for the military campaign. Thus, this seemingly superfluous statement tells us that Ahasuerus made up the difference between what he had looted from the slain and the balance that he still needed to reach the desired revenue.

Thus, for all that it elicits gaiety and revelry, Megillat Esther is no frolicking tale at all. It is a fearful interlude in the history of Israel. Nor is it only the story of a vicious anti-Semite, but, more, it is the account of how an obvious canard was used cynically by an overly ambitious Emperor.

A careful reading of its text leaves us with just one sterling character: Esther. Rarely has so poorly equipped a woman grappled so heroically with so dangerous a challenge. As lacking as her cousin-father was in judgment and diplomacy, so was she endowed with hitherto hidden or smothered intelligence, intuition, and courage. The scroll is rightly entitled *Megillat Esther*.

On Mount Meron

EDMUND PENNANT

As the hasidim
with prayershaws folded
over their heads
hide from morning,

irises
swaying in phase
inhale
and exhale praise
under their emblems:

the bearded stamens
close to the moist
stigma
like a glottis
quivering with the names
of the Creator.

Children
reach tenderly
lifting the morning-
wet purple petals
with their fingers,
releasing the
shekhinah.

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Midrash: The Defender of God

MELVIN JAY GLATT

Moses said to the Lord, “. . . Now, if I have truly gained Your favor, pray let me understand Your ways . . .”

— Exodus 33:12-13

“Let me understand Your ways” Moses said to the Holy One, blessed be He. “Master of the Universe! Why is it that there are righteous persons who suffer and wicked people who prosper?”

— Berakhot 7a

Introduction

THE INTERPRETATIONS AND HOMILIES OF the sages, broadly designated as Midrash, had several major functions. One was amplification of the biblical text. Biblical style was precise and focused on essentials and, as a rule, Scripture refrained from providing the interested reader with detail. It was left to Midrash to expand various episodes in the lives of biblical personalities. This preciseness was also true of the Torah's laws, commandments, and religious injunctions; Scripture's numerous ordinances and rites were concisely stated. Within the context of Midrash, these were enlarged, elucidated, and made more concrete.

A second aim of Midrash was morale building. In the world of daily affairs the Jewish people were often subjected to suffering, humiliation, and harassment. Their lot was rarely an easy one, and their history contained many episodes of torture, expulsion, and death. To compensate for this negative state, midrashic homilists created another world for the Jewish people. This was the supple world of imagination, dreams, and fanciful speculation and in that sphere the Jewish people were portrayed as beautiful, desirable, and loved by God. They were depicted as a nation with positive qualities, a chosen group, destined to be redeemed and rewarded.

A third significant purpose of Midrash was moralistic. The Sages were concerned about the behavior of the Jewish people. When the collective membership merited praise, midrashic mentors extolled Israel's

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virtues; when the people strayed from the path of God's covenant, however, midrashic teachers freely rebuked them.

As moralists, the formulators of Midrash devoted themselves to an exposition of religio-ethical insights. Midrash is, among other things, an ethical literature. Of course, Midrash had its unique style of complex homilies and labyrinthian exegesis and was very different in form from ethical treatises of a later age. Nevertheless, despite its rambling style, it contains countless ethical gems. Within homilies dealing with Abraham, aggadists discussed the importance of hospitality.¹ Joseph and David served midrashic preachers as symbols of humility.² Kindness was an ethical virtue held in great esteem by the Midrash, and God Himself was depicted as tender and considerate of others.³ Midrashic teachers advocated the ethical norms of truthfulness,⁴ charity,⁵ chastity,⁶ and peaceful human relations.⁷ The aggadists encouraged people to perform ethical acts. They said: "Better is one hour of repentance and good deeds in this world than the whole life of the World to Come . . ." ⁸ and "Blessed actions bless those who do them . . ." ⁹

One of the major ethical values discussed in the Midrash was equity. Numerous comments and homiletic expositions were devoted to the subject of justice in the world. Midrashic mentors speculated about fair play and foul dealing in the arena of life. They discussed the perplexing problem of whether human deeds and deserts are always properly balanced. Like people today, they asked the crucial question, "Is it fair?" as they pondered over the curious interactions involving God, human beings, and the world.

This query came to their minds especially when studying and teaching the Bible. To the classic rabbinic mentors the Bible was God's word, and they approached it with great reverence. Torah was held to be true, the veracity of the biblical text a given. This axiom was at the heart of rabbinic thought and discourse. Nevertheless, there were sections of the Bible, whether a brief sentence or a long episode, where justice appeared to be elusive or altogether missing. Midrashic preachers worried about these problematic passages. Their introspection was not intended to discredit Scripture; on the contrary, their respectful questioning was aimed at buttressing its moral integrity.

In this paper we will examine several biblical passages which were

1. *Midrash Rabbah* (henceforth *MR*) Genesis 43:7; 48:9-10; 54:6; *MR* Numbers 2:12; 10:5.

2. *MR* Exodus 1:7; 45:5.

3. *MR* Leviticus 19:1.

4. *MR* Exodus 38:1; *MR* Deuteronomy 1:10.

5. *MR* Ecclesiastes VII. 14:1.

6. *MR* Leviticus 2:1; 12:1; 24:6.

7. *MR* Deuteronomy 5:15.

8. *MR* Leviticus 3:1.

9. *MR* Leviticus 15:7.

puzzling to midrashic teachers from the perspective of equity. We will see how the aggadah tried to resolve the issue of equity in these contexts.

The Death of Moses

In the Bible, Moses is born and dies, like all human beings. His major task in life, that of being Israel's redeemer, is replete with problems, pain, and frustration. Like many persons, he does not live to see his main goal of life fulfilled and dies prior to Israel's entry into the Promised Land, which he may see only from a distance atop Mount Nebo (Deuteronomy 32:49-50). He accepts his death as an inevitable part of his life cycle.

This matter-of-fact description of Moses's death, as related in the Torah, is but the beginning of midrashic inquiry into the great redeemer's demise. To the Midrash, Moses' passing away was not so unimpassioned as the Bible seems to imply. Moses, the midrashic preachers emphasized, did not initially accept the fate decreed for him by God. On the contrary, he argued with God and remonstrated with Him over the inequity of His ruling.

"Master of the Universe!" (Moses said unhesitatingly to God.) "After all my labor You tell me: 'The time is drawing near for you to die' (Deuteronomy 31:14). No! 'I shall not die, but live and declare the works of the Lord'" (Psalms 118:17).¹⁰

Moses, in the midrashic modality, brings solid argument to strengthen his case against God's harsh decree of his death.

"Master of the Universe!" (he says to God.) There are thirty-six transgressions which are punishable by extinction. For any one of these a person is liable to death. Have I transgressed any one of these? Why then do You decree death for me?"¹¹

These aggadic comments reflect a serious question about the death of Moses. Was it fair? Was it just that, after a lifetime of uncomparable devotion to God and service to Israel, the great leader should not be permitted to enter Canaan? The midrashic teachers empathized with Moses; his death without being allowed into Canaan was inequitable. And so they have Moses draw a circle on the ground, stand in it, and exclaim defiantly to God,

"I will not move from here until You alter that decree . . . Let me become an animal of the field that eats grass and drinks water but lives and enjoys the world . . . Let me be a bird that flies in all directions, gathers its food each day, and returns to its nest toward evening . . ."¹²

On two occasions Moses rebuffs the angel of death as the heavenly messenger attempts to take his soul.¹³ Once he seizes him and throws him

10. *MR* Deuteronomy 11:8.

11. *MR* Deuteronomy 9:8.

12. *MR* Deuteronomy 11:10.

13. *MR* Deuteronomy 11:5.

to the ground, and the second time he pronounces God's special Name, whereupon the angel of death flees in terror!¹⁴ Only when the heavenly agent comes a third time does Moses acknowledge that he must capitulate to God's decree. He says, "I must now resign myself to the will of God because 'God is faithful, never false, true and upright'" (Deuteronomy 32:4).¹⁵

Even then, however, at the very hour of acquiescence, Moses tries to maneuver in a way that will force God to concede. "Master of the Universe!" he says. "Permit Joshua to assume my position and I will continue to live." God agrees to this request and the two roles are reversed; Joshua takes on the leadership of Israel and Moses becomes his disciple. For a while all goes well. Then, God appears to Joshua and communicates His will to him. Moses asks of the new leader, "What was revealed to you?" and Joshua responds to the effect that God's dialogue with him is a private matter and Moses is to have no knowledge of it. At that point Moses realizes that jealousy is stirring within him, and he says to God: "It is better to die a hundred times than to experience envy even once!"¹⁶

In this midrashic story Moses is given an opportunity to have the harsh decree of his death rescinded and, in fact, it is. His demise comes only when *he* decides he cannot live any longer and it is *he* who states the reason why!

Another midrashic comment has Moses understand that his forthcoming death is not due to any fault of his own. "You are to die," God explains to him, "because of the sin of the first man, Adam. It was he who brought death into the world."¹⁷ What is significant about this aggadah is that it completely bypasses the Bible's finding fault with Moses and assigning his death to his own dereliction. Deuteronomy 32:51-52, which chides Moses for failing to uphold God's sanctity among the Israelite people is completely overlooked. By sidestepping this biblical castigation, the Midrash clears Moses of any wrong, no matter how slight, and assigns his death to the fact of being human. All humans since Adam must die; even Moses can be no exception. In terms of equity this is more acceptable to the homilists than saying, as did the Bible, that because of one shortcoming Moses was not allowed by God to realize his greatest hope, — to enter the Promised Land.

Disturbed by what they considered an act of inequity against Moses, — his not being permitted entry into Canaan after all his efforts and sufferings on behalf of Israel — some imaginative midrashim had Moses compensated in other ways. Certain of the Sages pointed out that the outstanding liberator was given the gift of unusual physical vitality all through his long life and even up to the very moment of his death. "All

14. Ibid.

15. Ibid.

16. *MR* Deuteronomy 9:9.

17. *MR* Deuteronomy 9:8.

creatures go down to the grave with their eyes dimmed, but Moses' eyes were not weakened."¹⁸ Also, his mode of burial was markedly different from that of other mortals. "All persons are buried with items made by people, namely, coffin, bier, and shrouds. Moses, however, was buried with items made in heaven: shrouds made in heaven, a coffin made in heaven, and a bier made in heaven."¹⁹ Not content with these types of extravagant compensation, imaginative aggadists added: "When all mortals die, their relatives and their neighbors occupy themselves with their burial, but in regard to Moses, God said: 'I and My Court will ourselves attend to your burial!'"²⁰ When the final moment came for Moses' soul to leave his body, God bestowed a great act of His grace on Israel's redeemer and law-giver. The angel of death was not permitted to draw forth Moses' soul. Rather, it was God Himself who "kissed Moses and took away his soul with a kiss of the mouth, and God, if one might say so, Himself wept and cried out: 'There has not arisen a prophet since in Israel like Moses'" (Deuteronomy 34:10).²¹

In Connection With Creation

The Midrash noted problems of equity in the Bible even in a minor episode or within a single phrase. Thus, the aggadic eye took note of Genesis 1:16 which states that God made two great lights in the heavens. But, in speaking of the sun and the moon, the very phraseology of the Bible implied some unfairness. If sun and moon had been created as "the two great lights," why is it that the sun is larger than the moon? Why was the moon stripped of her original large size? The answer appears in the following homily:

The moon complained to God, "Master of the Universe! Is it possible for two Kings to make use of a single crown?" The Holy One, blessed be He, responded, "Go and diminish yourself in size!"²²

In this comment the moon was not satisfied with her size at the time of creation, wanting to be even larger than the sun and, as punishment, she was drastically reduced in size. The aggadist thus deals not only with the theme of jealousy and its bitter consequences, but also rectifies what would otherwise be a point of inequity in the biblical account, namely, why, when having stated that the two heavenly bodies were both great, i.e., of equal size, one is, in fact, smaller than the other.

The Slain Taskmaster

Exodus 2:11-12 also demanded elucidation. The passage tells of

18. *MR* Deuteronomy 9:5.

19. *Ibid.*

20. *MR* Deuteronomy 9:5. See also 11:10.

21. *MR* Deuteronomy 11:10.

22. *Yalkut Shimoni*. Genesis 1:8.

Moses striking down the Egyptian taskmaster and hiding his body in the sand. The difficulty with the Torah narrative is the taking of a human life. True, the Egyptian was beating a Hebrew, but was this sufficient cause to impose so severe a punishment as death? One answer that the Midrash posits is that Moses examined the Hebrew slave who had been attacked and so grave were his wounds from the beating that there was no hope for his recovery. Moses, in turn, inflicted a similar and well deserved punishment upon the cruel taskmaster.²³

Another response says that Moses was able to look into the taskmaster's future where, miraculously, he saw that no good or worthy individual would ever issue from this particular Egyptian.²⁴ A third explanation suggests that Moses, in a quandary as to how to deal with the taskmaster, consulted the angels of heaven and they instructed him to take the harsh step that he did with the Egyptian.²⁵

An elaborate midrashic homily portrayed the Egyptian taskmaster as entering a Hebrew home in the early hours of the morning where he posed as the husband of the Hebrew woman therein. The real husband had already been dragged out of his dwelling for chores in the field, so the Egyptian stealthily crept into the bed of the still sleeping woman, violated her and impregnated her. When the woman's husband eventually found out what had occurred he sought redress for his wife. The taskmaster, however, instead of making amends for his terrible deed, began to beat the Hebrew without mercy. All of these events were made known to Moses by means of the Holy Spirit and he then said, "This man certainly deserves to die!"²⁶

Cain's Crime

In the fourth chapter of Genesis we find the Cain and Abel narrative with its description of the first fratricide. The name of Cain has become a virtual synonym for murderer and each retelling of this biblical story continues to evoke in listeners feelings of revulsion and horror. Midrashic Sages were similarly repelled by the enormity of the crime. They said that Cain not only killed his immediate brother, but, by his violent act, destroyed all of Abel's potential posterity.²⁷ Moreover, even the cattle, beasts, and birds all assembled to demand retribution on behalf of Abel.²⁸ As punishment, Cain was smitten by God with leprosy.²⁹

But, despite their abhorrence of Cain's inhumane act, midrashic preachers had problems with the Biblical narrative. These had to do, once

23. *MR* Exodus 1:29.

24. *Ibid.*

25. *MR* Exodus 1:29; *Midrash Ha-Gadol*, Exodus 2:12.

26. *MR* Exodus 1:28; *Midrash Ha-Gadol*, Exodus 2:11.

27. *MR* Genesis 22:9.

28. *MR* Genesis 22:12.

29. *Ibid.*

again, with matters of equity. Cain had committed murder, but how was he, one of the first persons in the world and one who had never seen death, to know in advance that his attack on Abel would result in extinction of life? With this query in mind the Midrash noted that Cain was, in fact, not requited by God measure for measure. He was not killed as he had killed, but received a lesser punishment, namely, to be an eternal wanderer. "Cain's judgment will not be as the judgment of other murderers," the Midrash has God say. "Cain slew, but he had no one from whom to learn."³⁰

Another problem in the biblical account had to do with God's role in the episode. Rabbi Simeon bar Yohai said:

It is difficult to say this, but imagine two athletes wrestling before a King. Now, if the King had wished, he could have separated them. But he did not do so, and one overpowered the other and killed him! The victim cried out (just before he died): "Let my cause be pleaded before the King!"³¹

In other words, although Cain murdered his brother and was certainly guilty of the crime, some question of equity had to be raised regarding God's silence and His failure somehow to intervene on behalf of the innocent victim, Abel! Human beings had to display justice to others and were entitled to fair treatment themselves, but God, too, was bound, as it were, by the standard of fairness.

When Innocents are Involved

The Midrash often turned its attention to biblical accounts in which one party was justifiably punished for some misdeed, while another party, apparently without cause, was also made to suffer with the first. Would the truly innocent be punished by God along with the guilty? Midrashic mentors were inclined to believe that this could not be the case and, therefore, they delved deeply into biblical incidents which raised problems of Divine justice.

The Bible vividly describes God's rebuke of Adam and Eve when they disobeyed His command not to eat of the tree of knowledge of good and bad. In the story God castigates the first people as well as the serpent that had tempted Eve. God then brings the earth into the sphere of Adam's punishment by saying that it, too, would be cursed because of human error (Genesis 3:17).

God's linking of the earth with the sin and punishment of Adam was of concern to the Midrash. Adam had, indeed, done wrong, but what misdeed had the earth committed to deserve being cursed? Sensing an inequity the Midrash asked: "Why was the earth punished?"³² An answer was given to the effect that this was delayed retribution for the earth's having

30. Ibid.

31. MR Genesis 22:9.

32. MR Genesis 5:9.

disobeyed God at the time of creation. When the world was made God had commanded, "Let the earth yield . . . fruit trees bearing fruit . . ." (Genesis 1:11) meaning, according to the Midrash, trees which could be eaten just as fruit may be consumed. This, however, the earth did not do. Instead, "the earth yielded . . . trees of every kind bearing fruit . . ." (Genesis 1:12) meaning, from the Midrashic perspective, that only the fruit was edible but not the trees. For not doing precisely what God had commanded, the earth was punished, albeit at a later time in the days of Adam!³³

The episode of the Flood is similarly treated. The Bible emphasized that man's wickedness was notorious (Genesis 6:5), and that God would blot out the human race (Genesis 6:7). God's aim was understandable to the Midrash, but what was not clear, was His saying that He would "blot out . . . men together with beasts, creeping things, and birds of the sky . . ." (Genesis 6:7). Wherein were these creatures guilty? In what way had they sinned so as to deserve eradication?

Rabbi Azariah said in the name of Rabbi Judah: "Everything acted in a corrupt manner during the flood generation. The dogs copulated with the wolves and the fowl with the peacocks." Rabbi Julian ben Tiberius said in the name of Rabbi Isaac: "Even the earth acted lewdly. For when wheat was sown the earth produced rye-grass."³⁴

In Genesis 18:20 the Bible takes note, in one sentence, of the wickedness of Sodom and Gomorrah. It is curiously silent, however, as to the specific evils of those cities. Midrashic traditions, evidently seeking to prove that the inhabitants of the towns received their just deserts through the great overthrow, told of rampant and appalling wickedness. The Sodomites, said midrashic teachers, had agreed among themselves that when a stranger visited them, they would commit sodomy on him and steal his money.³⁵ Conduct in Sodom and Gomorrah was based on falsehood, deception, and the perversion of justice.³⁶ Lot was harshly rebuked when he tried to admonish and correct his fellow townsmen. "This one came to live here with us," they would tauntingly say, "and he wants to act in the role of a judge!"³⁷

One time, a Midrashic homily related, the Sodomites discovered that a certain young woman had given some flour to a starving girl and her family, whereupon they immediately took this kind-hearted person and burned her to death.³⁸ According to Rabbi Abba bar Kahana, God tried

³³ Ibid.

³⁴ MR Genesis 28:8. In the Midrash the rye-grass is called "zonin," a kind of weed growing among wheat. See M. Jastrow, *Hebrew-Aramaic English Dictionary*, I:388.

³⁵ MR Genesis 50:7.

³⁶ MR Genesis 50:3.

³⁷ Ibid.

³⁸ MR Genesis 49:6.

to encourage these evil people to repent and change their ways, but they refused and persisted in their corrupt actions.³⁹

The evils of Sodom and Gomorrah, alluded to in the Bible and amplified in the Midrash, could not go unpunished and the aggadists viewed God as being just when He destroyed the cities of vice and brutality. What remained a question was His punitive act against Lot's wife. The angels had commanded Lot, his wife, and his daughters to run and not to look behind them (Genesis 19:17). The wife, who did not listen to this stern warning, turned around and was transformed into a pillar of salt (Genesis 19:26). Why should she have lost her life, the aggadists wondered, when Scripture gave no indication of any wrongs that she had committed? To meet such a cruel end for turning around in what could have been a moment of confusion seemed unfair.

The explanation was that Lot's wife, like her associates in Sodom and Gomorrah, was an inhospitable person who would rebuke her husband for his kindness to strangers by saying to him, "If *you* want to receive them, do so in *your* part of the house!"⁴⁰ Moreover, when Lot did extend hospitality to wayfarers, she would publicize the presence of the strangers to her neighbors. In this way the outsiders became marked persons for mistreatment and abuse.⁴¹ It was for these reasons that Lot's wife was turned into a pillar of salt, the salt being a symbol of hospitality which she so adamantly denied to travelers who chanced to come to Sodom and Gomorrah!

Here the Midrash employed the rabbinic ethical principle of *midah keneged midah*, being dealt with as one has treated others. By invoking this standard the Midrash often resolved an ethical deficiency within a biblical episode.

The Hebrew Enslavement

A major experience in the history of the Hebrew people was the enslavement in Egypt. Israel's tribulations there were discussed at length in the Midrash, though Scripture was rather circumscribed in its description of the enslavement. Also, the Torah indicated that on occasion it was God who hardened Pharaoh's heart (Exodus 10:1, 27; 14:4, 8). Might it not be asked, therefore, whether the Egyptians were so oppressive of their own accord. Midrashic mentors were anxious to understand the details of Egyptian rigor and Pharaoh's tyranny and they sought to demonstrate that the Egyptians were justly punished.

They said that the Egyptian persecution of Israel was no ordinary servitude, for the true intent of the Egyptians was to eradicate the entire Hebrew people. That is why, according to the aggadists, the Egyptians

³⁹ Ibid.

⁴⁰ MR Genesis 50:6.

⁴¹ MR Genesis 51:5.

searched Hebrew homes to find babies whose parents had hidden them in cellars.⁴² Often, such ventures involved entering a Hebrew household and carrying an Egyptian infant into it. The oppressors would then pinch the baby, purposely hurting it and making it cry. Its whimpers would, of course, rouse the concealed Hebrew tots who would start to wail. In this way they were discovered and were immediately taken away and drowned.⁴³

In order to curtail the propagation of the Hebrew people, the Egyptians kept the Israelite men away from their wives forbidding them to sleep in their own homes at night.⁴⁴ The Egyptians also resorted to devices to drain the strength of the Israelites. One stratagem was to force the women to perform the arduous labors of men, while the men were made to engage in women's work.⁴⁵ For the women this would result in physical fatigue, while the exchange of labor roles for the men probably induced psychological problems. The two conditions combined to produce exactly what the Egyptian tormentors desired, namely, the deterioration of a home setting of love and close relationship and the limitation of offspring.

The Bible notes that female children of the Hebrews were spared the watery death inflicted on the male infants. Midrashic teachers said that this was done in order to take the females at maturity and use them for immoral purposes.⁴⁶

Thus, according to the aggadists, the Egyptians were worse than tormentors of the Hebrews. They were as perverted in their thinking as a serpent is twisted in its bodily form.⁴⁷ They were as cunning as the fox, seeking to destroy Israel and trying to avoid punishment from God.⁴⁸ In the plan to exterminate the Hebrews Pharaoh was pivotal. According to the aggadists, Pharaoh, who was a leper,⁴⁹ hated the Hebrews with a terrible vengeance, and would bathe twice a day in the blood of three hundred slaughtered Hebrew children.⁵⁰ This treatment, his magicians had told him, would cure his infected and pustulated skin.⁵¹ He was selfish, egotistical, and deemed himself a god who had created the Nile. For such arrogance he was justly punished by God.⁵²

Craftily, Pharaoh planned the servitude through which the Hebrews would perish. To delude the children of Israel he placed a heavy brick-

42 *MR Exodus* 22:1.

43 *Ibid.*

44 *MR Exodus* 1:12.

45 *MR Exodus* 1:11.

46 *MR Exodus* 1:18.

47 *MR Exodus* 9:3.

48 *MR Exodus* 22:1.

49 *MR Exodus* 1:34.

50 *Ibid.*

51 *Ibid.*

52 *MR Exodus* 8:2.

kiln around his neck and for a brief time worked by the side of the slaves. When the latter complained about the rigorous tasks imposed on them they were told by the taskmasters, "Are you more delicate than our Pharaoh?"⁵³ Such deceit, the aggadists contended, deserved ample punishment.

As for God's hardening Pharaoh's heart, the Midrash explained that God warned the king five times and each time he took no notice. Thereafter God decided to punish him.⁵⁴

From the stance of the Midrash, the plagues that befell the Egyptians did not come suddenly. God warned Pharaoh before every plague in the hope that he might repent.⁵⁵ In the case of the waters turning to blood, there was a warning period of twenty-four days,⁵⁶ while prior to the appearance of the ravenous locusts they were given a one-day warning in order that they might rectify their wicked ways.⁵⁷

The types of plagues suffered by the Egyptians had direct relationship to outrages perpetrated against the Hebrews.⁵⁸ The locusts, for example, were brought because "The Egyptians had forced Israel to sow wheat and barley for them. God therefore brought the locusts which consumed all that the Israelites had sown for their oppressors."⁵⁹

A Closing Word

Midrash as an ethical work advocated moral values and painstakingly examined ethical issues. It scrutinized even the Bible, seeking to have that sacred work meet the standard of justice. The high priority which midrashic interpreters of the Torah assigned to equity promoted a deep respect for this value in the Jewish heritage.

53 MR Exodus 1:19 and 1:10.

54 MR Exodus 13:3.

55 MR Exodus 9:9.

56 MR Exodus 9:12.

57 MR Exodus 13:6.

58 MR Exodus 9:10.

59 MR Exodus 13:6.

The Problem of Being Simone Weil

P.E. CRUISE

ON AUGUST 24, 1943, SIMONE WEIL, “TEACHER, classical scholar, intellectual par excellence, and French-Jewish genius,”¹ died of starvation and pulmonary tuberculosis at the Grosvenor Sanatorium in Ashford, Kent in England. Despite her relatively privileged status as a qualified secondary school teacher, Weil had been unemployed for over five years due to chronic ill health. She had no children, had never married, and at the time of her death she was just thirty-four years old. Scattered through notebooks entrusted to skeptical acquaintances, she left behind her what were to become some of the most controversial philosophical essays of the 20th century.

Like Kafka, Simone Weil anticipated later 20th century thinkers and writers in her almost fetishistic preoccupation with human suffering and degradation. Also like Kafka, she evinced a prescient concern with the increasing role played by technology and bureaucracy in determining the individual.

Unlike Kafka, however, Simone Weil drew sharp criticism from some Jewish commentators,² a state of facts due, in part, to her apparent outspoken rejection of Judaic tradition. Individual Jews like Alfred Kazin have defended — Kazin with eloquence — Weil’s relevance to modern experience, but Martin Buber’s ringing denunciation of what he viewed as her generalized flight from “reality” is probably more typical. Stated simply, Weil’s rejection of Judaism, many Jews feel, was, in fact, a rejection of the “World” — *their* world — and for this worst of crimes she may never be forgiven.

In point of fact, however, Simone Weil’s criticisms of Judaism were limited and specific, and her pronounced “unworldliness” was directed at a “world” quite removed from that of pious Jewry. Less a philosopher than a phenomenon, she was a kind of theological Rimbaud, a prodigy of insight, who spoke directly and personally from, and of, her own “season in hell.” The “world” that she repeatedly condemned, the site of that “hell,” is unmistakably the world of the Prosperous-Assimilated who, in the words that critic Leslie Fiedler used to describe Weil’s childhood family, “made personal comfort an end in itself.”

More than most, Simone Weil keenly felt the spiritual deficiencies of that assimilated world — sensed its religious and cultural “lostness.” Her

1. George A. Panichas in his introduction to *The Simone Weil Reader* (New York: McKay, 1981).

2. See especially Hans Meyerhoff, “Contra Simone Weil,” in *Arguments and Doctrines: A Reader of Jewish Thinking in the Aftermath of the Holocaust*, selected by Arthur A. Cohen (New York: Harper and Row, 1970).

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longest single piece of writing is entitled, poignantly, *The Need for Roots*, and thereby hangs a tale, the tale of her life, which is to say, of her repeated attempts to escape a class and culture that at once imprisoned and pointedly excluded her.

Again like Kafka, she was a little brutalized by what she saw as her parents' sell-out to secular commercial values — a little tentative in her commitment to a contemporary reality that she perceived as essentially corrupt.

In fact, it is perhaps this tentativeness that best characterizes Weil's career — an attitude that accompanied her from the lecture halls of the Sorbonne to the assembly line of a Renault plant to the tiny English sanatorium where she died. It was this tentativeness that made of her life a painful odyssey which progressed by fits and starts through a series of seemingly incompatible phases but without ever culminating in a single crystallized self. Indeed, the problem of identity — central to Weil — was one that she never wholly solved, or solved largely in negative terms. Published selections from her *Notebooks* include such telling self-admonitions as "Preserve your Solitude" and "The important thing is to be Nothing."³

As was true of Freud, Weil, as a free-thinking Jew, seemed to define herself largely in terms of her relative freedom from the dictates of the "compact majority,"⁴ as if her sense of self lay less in what she was than in what she was not. It was a freedom evident in her youthful radicalism as well as in her later adamant refusal to be formally baptized despite her Christian sympathies — a freedom that was, perhaps, the single most consistent element of her thought.

For Freud, dissociation from the "compact majority" lay at the very heart and center of his own Judaism. Phrase and concept are, in fact, derived from a Freud lecture on Jewish identity to the Society of B'nai B'rith in which the Jew is viewed primarily in terms of his freedom to be what the rest of society is not. For Weil, the same element in her personal makeup was less clearly articulated, albeit no less vital. Probably it was associated in her mind with the peculiarities of her childhood and upbringing.

In this regard, the Weil family seems to have resembled in some respects that of Henry James, Sr., a tightly-knit, intensely energized unit which inspired psychologist William James to remark of his brother, Henry, Jr., that he "was a native of the James family and had no other country."⁵ Certainly Simone Weil and her brother, André, the future mathematician, comprised such a unit, possibly in partial alliance with

3. As quoted in S. Petrement, tr. Rosenthal, *Simone Weil: A Life* (New York: Pantheon, 1976).

4. Sigmund Freud, "Address to the Society of B'nai B'rith," in Vienna, 1926, in *Complete Works of Sigmund Freud* (London: Hogarth, 1959), Vol. XX, p. 273.

5. Letter from William James to his sister, Alice, 1889, as quoted in the introduction to Jean Strouse, *Alice James: A Biography* (Boston: Houghton Mifflin, 1980), p. x.

their mother, Selma. The Simone-André relationship has often been cited as a fountainhead of Weil's neuroses and, although there are others, it cannot be ignored. If the Weil family, as Jews, felt a freedom to be unlike the "compact majority," they experienced this freedom — as Freud did — through the "unrestricted use of the intellect"⁶ — and to this expression intellectual excellence was indispensable. André was older than Simone, the only male offspring in a turn-of-the-century European family, and precociously proficient in mathematics, as his sister was not. In their childhood, he appears to have dominated Simone intellectually, a position of felt inferiority from which she never fully recovered.⁷

This perceived sense of intellectual inferiority operated to render Simone multiply insecure, first as a Weil, then as a human being, and finally, inasmuch as intellectual freedom signalled "freedom from the compact majority," as a Jew.

This last is of shattering importance in an examination of Weil, whose Judaism, little-enough understood by Jews, has frequently been treated by gentiles as a non-issue. Commentators such as George Panichas, editor of the *Simone Weil Reader*, have fixated on her supposed immersion in the "so-called Christian, French, Greek tradition," an attitude which, far from explaining the peculiar nature of Weil's position, seeks to explain it away.

The truth of the matter is that the notorious, unmistakable hallmarks of Weil's personality, her affiliation with the outsider and sufferer, her life-long devotion to an intense cult of "victimhood," have been cited, not without cause, as the most "Jewish" thread in her makeup. More than arguably, she was obsessed with her Jewishness — or, as she herself would have perceived it — her lack of it. Certainly her strident insistence that she did not know what it meant to be a Jew, "that subject has not been part of my education," bespeaks a sentiment more than neutral. Not improbably, such feelings lay at the root of her "outsider" persona. Her epic revolt against the bourgeois world was a revolt against a perceived "too-complete" assimilation on the part of her parents, an ironic embrace of the poverty and solidarity of the shtetl that they had abandoned. Certainly the bitter *j'accuse* overtone of much of *The Need for Roots*, with its imprecations against those who elevate the claims of the secular "state" above traditional loyalties to family and religion, can be read, at least on one level, as a thinly veiled assault on the assimilated.

Biographically speaking, the "assault" began early in life when, upon receiving a costly present, the three-year-old Simone shocked and

6. Freud, *Op. cit.*

7. Letter to Father J.M. Perrin, May 15, 1942, in Panichas, p. 12. In her so-called Spiritual Autobiography, actually in the form of a marathon letter to Rev. J.M. Perrin written only a year before her death, Simone Weil speaks poignantly of "the exceptional gifts of my brother" and of how, as an adolescent, she had "seriously thought of dying because of the mediocrity of my external faculties."

amused conservative family members by declaring that she “did not like luxury.” She took this dislike of luxury with her to France’s prestigious École Normale Supérieure, not only living in unheated rooms, but giving to the poor many of the food packets with which her parents generously provided her. Later, as a young Professor of Philosophy at Le Puy, a provincial town seventy miles southwest of Lyons, Weil challenged contemporary mores by drinking in public in the company of male labor unionists — part of a course of conduct that culminated in a forced transfer to a more tolerant Parisian suburb.

Ultimately, she broke with bourgeois convention altogether, resigning her coveted position in the French secondary school system to spend a more or less wretched year working sporadically in several factories as an unskilled laborer — a project by which she hoped to gain a uniquely personal insight into the problems of the working class. Unlike those of many young intellectuals, Simone Weil’s working class sympathies were more than a passing symptom of discontented youth. For her they were deep and lifelong and may have functioned, not only as her expression of longing for the group identity that her family had denied her, but also as a means of shoring up the identity that they had, in fact, given her. If — as she thought — exceptional intellect was denied her, freedom from the dictates of the “compact majority” might still be sought in the “cult of revolution.” “Being a Jew,” Freud had remarked, “I would always be in the opposition.”⁸ For Weil, this opposition came more and more to transcend the world of Ideas. As Michelle Murray observes, Simone Weil acted under a kind of driving compulsion to “test her ideas with her body.”⁹ It is as if her felt inability to attain mastery over the mind made her more determined to attain mastery over the flesh.

This was a theme that recurred with painful insistence throughout her life, not only in the “year of factory work,” but in a whole series of physical “tests” which she set herself, culminating in the final gruesome “test” of death by self-imposed starvation. Taken in their entirety, these “tests” add to a convincing picture of revolt on the physical plane — a desperate attempt by Weil to carve out her own version of a life “in the opposition.”

Indeed, she appears to have been a woman in a violent state of rebellion against the totality of her condition. She had what might be described in Nietzschean terms as an intense “will to power,” coupled with an equally intense rejection of “herself” as she was. This paradox is nowhere more clearly evident than in her enigmatic approach to sexuality, a topic that has proven as controversial as her alleged “anti-Semitism.”

In a celebrated passage toward the end of her *Les Mémoires d'une jeune*

8. Freud, *Op. cit.*

9. Michelle Murray, “The Jagged Edge: A Biographical Essay on Simone Weil,” in George Abbot White, ed., *Simone Weil — Interpretations of a Life* (Amherst: U. of Massachusetts Press, 1981).

filles rangées,¹⁰ Simone de Beauvoir paints a vividly uncomplimentary portrait of the young adult Simone Weil. In this passage, the twenty-year-old Weil, grotesquely outfitted in a long, shapeless dark coat with a copy of the French Communist organ, *L'Humanité*, protruding defiantly from one pocket, authoritatively lectures the student de Beauvoir on the latter's political apathy. Strangely, although the memoirist goes on to picture Weil as surrounded by a clique of hangers-on, the lasting impression is one of an individual quite alone. In fact a full year younger than Simone de Beauvoir, the Simone Weil of this passage is not young. Indeed, this sexless, avenging angel of the Sorbonne courtyard strikes a reader as being scarcely female — scarcely human.

This image has persisted over time, calling forth an extended apology from Weil's authorized biographer, Simone Pétrement, who, habitually fighting shy of Freudian insights, treats Weil's mannish dress and determined celibacy as wholly conscious phenomena practically necessary (in those years before *The Second Sex*)¹¹ in order to shift attention from her "female" person to her "male" ideas. Such an unfortunately naive view ignores, of course, the pertinent example of female contemporaries such as the aforementioned de Beauvoir and Colette Audry, whose commitment to being taken seriously as intellectuals was certainly as great as Weil's, yet whose dress and sexual behavior were of quite another order.

Probably it makes most sense to say that Simone Weil's extreme negativism toward herself as a woman was in keeping with her general inability to make a firm commitment to any given personal or social role. Neither male nor female, she neatly avoided the social responsibilities of both sexes, remaining throughout most of her life emotionally and financially dependent on her parents.

Here again, the parallel with Kafka is striking. Neither writer was ever quite able fully to make the transition from adolescence to adulthood. On this point, Kafka was notably more articulate than Weil, speaking with real horror of the notion of stepping into the psychological shoes of the father whom he dreaded and despised, railing against the necessity of recreating a parental world that he saw as spiritually murderous. By contrast, Simone Weil was unusually reticent on the subject of her sexuality, making only widely scattered references to the topic in the whole of a voluminous correspondence. Those rare remarks that she did make suggest a view of sex and love as things potentially perilous, "never to be sought,"¹² for they might, more significantly, involve particular dangers to her tentative identity, upsetting its equilibrium by a forced crystallization of its elements.¹³

10. Paris: Maison Gallimard, 1958.

11. Paris: Maison Gallimard, 1949.

12. Pétrement, *Op. cit.*

13. *Ibid.*

For sensitive offspring of assimilated Jews like Weil and Kafka, it may be that a lack of a sense of group belonging aggravated an interior instability, thus making the process of maturation even more difficult than it might otherwise have been. In Weil's case, the problem may well have been worsened by the highly ambivalent attitude of her mother, an intelligent, ambitious woman who had been forced to put aside a hoped-for career as a physician in the interest of family considerations. While encouraging both her children to achieve, Selma Weil quite possibly harbored a view of her daughter's choice of an academic career as, in some way, a failure — possibly even as unnatural. She is known to have referred to Simone, ostensibly humorously, as the "trolless"¹⁴ and to have remarked of her as an École Normale graduate, "I do believe she is unmarriageable. Can you imagine her as the mother of a family?"¹⁵ It may be that Simone's apparent inability to reconcile herself to her own sexuality was rooted in some way in her mother's earlier ambivalence. If Simone had, in fact, come to see her life as fundamentally a choice between being female and being an intellect, her response was radical and tragic.

At all events, it is worthy of note that neither Simone Weil nor Franz Kafka proved capable of physical survival into the period recognized by the society around them as full adulthood, each suffering — Weil in her early thirties, Kafka at forty — a death strongly suggestive of suicide.

These deaths, if premature, were in no way sudden, however, and, in the case of Weil, might be said to be prefigured by her entire life. The "tentative" approach to external reality provided no ultimate solution to the "need for roots," and her trying out of successive "identities" may actually have worsened it. She herself asserted that the year of factory work "killed my youth,"¹⁶ a statement perhaps suggesting that, as an intellectual, she had predominantly viewed herself as "student" — at any rate that the androgynous identity which she had assumed somehow functioned best in physical youth, for it was after this year of factory work that what Richard Rees has called "her drive to self-immolation"¹⁷ became infinitely more marked. It was as if she had begun to devalue her earlier accomplishments, to see them as somehow puerile and unfit to carry her into maturity.

The theme of self-immolation flowed interruptedly through the remainder of Weil's short life — a life punctuated by frequently pathetic, occasionally bizarre episodes, among them her participation under the Republican standard in the Spanish Civil War. It was a participation that, hardly unexpectedly, had the same tentative quality that characterized

14. Panichas, *Op. cit.*

15. "A Letter to André Weil," as quoted in Panichas.

16. "Factory Notebook," in Pétrement.

17. Richard Rees, *Simone Weil: A Sketch For a Portrait* (Carbondale: Southern Illinois U. Press, 1966).

the rest of her life. Although she carried a loaded rifle in Spain, she continued to ride the psychological fence between pacifism and partisan commitment. She never killed or wounded another combatant and her only battlescar resulted from accidentally stepping into a boiling cooking pot, an episode that effectively halted her participation in the War.

This semi-comic incident had its more ominous side, however, for while it may have saved Simone Weil's life in the short run, it contributed to her ultimate decline. She sustained burns which took a long while to heal and, despite sporadic efforts, she was, in fact, never able to return to teaching. Robbed of the structure of an academic life and, with it, the greater part of the identity as radical intellectual that she had so carefully cultivated, Weil turned increasingly in upon herself, and moved toward one of the more peculiar ideological twists in her string of "tentative" affiliations.

It was while reading over a poem by the 17th century English mystic, George Herbert, that Weil had the first of a series of experiences that she would later describe as direct encounters with God. While she had been raised, as she put it, "in complete agnosticism,"¹⁸ in about 1935 she began to evidence an interest in Christianity which, in the years following her Spanish Adventure, brought her rapidly to the brink of conversion. Characteristically, however, her movement toward Christianity in no way altered her hesitancy to commit herself, and, to the day of her death, she continued to resist earnest entreaties by a Catholic priest who had befriended her to enter the Church formally. It was a kind of negative vocation that she seemed to have, yet another variant of "The important thing is to be Nothing."

This "negative" vocation is also apparent in the peculiar stamp of Weil's Christianity which was far from the ritual bromide of the dominant classes, and which she herself would term "the religion of slaves."¹⁹ Yet another manifestation of her "outsider" stance, this notion that a true understanding of God's love can come only to (and through) one who is somehow "beyond the pale" is clearly evident in such late essays as "The Love of God and Affliction."²⁰ Here, in pages which often make genuinely painful reading, Weil reveals at once her intense (and intensely felt) need to be justified, and her utter disbelief in the possibility of such justification. As she notes in a 1942 letter to Joë Bousquet, a disabled World War veteran who had become an intimate correspondent, the afflicted ones, in her view, are "infinitely privileged" in that only they can truly perceive "reality."²¹ It is as if for Weil the concept of a crucified Christ turned the world upside down, making a sense of personal unworthiness, by definition, a criterion of personal worth.²²

18. Letter to Father J.M. Perrin, May 26, 1942, in Panichas, p. 106.

19. *Notebooks of Simone Weil*, tr. Arthur Wills. (New York: Putnam, 1956).

20. Panichas, p. 439.

21. Letter of May 12, 1942, in Panichas, p. 86.

22. See especially her essay on "Human Personality," Panichas, p. 313.

At the same time, the crisis of personal identity intensified — seemed to drain her physically as well as emotionally. Throughout her life, she had been prostrated by headaches, apparently of a psychosomatic origin. As she herself put it in her revealing 1942 letter to Bousquet:

For twelve years I have suffered from pain around the central point of the nervous system, the meeting place of body and soul.²³

The cumulative effect of these attacks was such that her working life was repeatedly interrupted — by the age of twenty-nine she was a chronic invalid — forcing her back upon her parents for material and emotional support. This state of affairs — a condition virtually of semi-adolescence — persisted almost to Weil's death, fitting nicely into her pattern of "tentativeness," and allowing her to avoid a commitment to fixed adult roles that she may have felt unable to make.

The Second World War provided the background for the last significant chapter in her life. In terms of the release into action that it offered to many similarly afflicted, it might have been her salvation. It was, instead, her final catastrophe.

After the outbreak of war with Germany, Weil remained with her parents in their Paris apartment, hoping quixotically to the last that the city would be defended. This was one of the last of many occasions when her fellow human beings would disappoint her with their (to her) unaccountable reluctance to immolate themselves for the common good.

From the very beginning, she responded eagerly to the hope of psychological salvation, promised by changed wartime conditions. It was a kill-or-cure remedy, holding out unique opportunities both for a group solidarity that she had never really known, as well as a ready-made definition of self along simple concrete lines. As if these overwhelming benefits were not enough, convenient ways and means of self-extinction abounded in case the cure did not take.

The fact that the sadly-beleaguered Allied war effort could find no place for the all-too-willing Simone Weil was due, in part, to the singular ineptness with which her services were proffered. In contrast to many young women similarly situated who effectively involved themselves in the French resistance or other existing action groups, Weil proposed one grandiose and unworkable project after another to bewildered Allied leaders. Perhaps the single hallmark of all these programs, which at once exalted them and doomed them to failure, was that — like her concept of sending older women to be "front-line nurses," in reality a suicide mission — they were a product of her tentative nature. In its final stages, they were the expression of a nature desperate for the commitment so long evaded and bent on projects possibly only to desperation.

The position that Weil's frantic efforts finally won her — a London desk job compiling endless reports for the Commissariat of Action Upon

23. Panichas, p. 86.

France — was a poor substitute for the front-line involvement that she craved. Ultimately, it failed to arrest her decline. Throughout 1943, as she drudged over the voluminous manuscript of her last major essay, *The Need for Roots*, her own need for roots remained unfulfilled and she withered steadily. She justified a frequent refusal to eat by reference to reports of widespread hunger in German-occupied France. It was at once a bid for solidarity and a gesture of despair.

On August 17th of that year she was admitted to the Grosvenor Sanatorium in Ashford, Kent. In retrospect, her death there on August 23rd seems almost a foregone conclusion. Forty years after her death, the legacy of Simone Weil is still problematical. Although, like Kafka, she failed as a human experiment, much of her writing, like his, endures brilliantly. Erik Erikson²⁴ has suggested that human identity as a process is at once enabling and limiting. The price of an integrated sense of self within a given environment is that the individual must become more or less what he does — a process that Simone Weil, in her factory journal and elsewhere, repeatedly decried as invidious. Then, too, the fully integrated individual must refrain, to a certain extent, from envisioning possibilities inimical to the “validity” of his society — the sort of vision to which Simone Weil clung with all the strength of her nature.

Certainly Weil spent most of her adult life searching unsuccessfully for a social and religious identity. If she sought that identity outside of “Judaism,” her concept of what it meant to be a “Jew” may bear closer examination than it has, in fact, received. Anti-nationalist, she revolted on principal against what she termed a “disease”²⁵ in Fascist and Zionist alike. Anti-militarist, she decried what she found to be a militant tradition in Old Testament Judaism. On these topics, as on so many others, she placed herself squarely in vaunted “opposition,” always the outsider, fearlessly asserting her freedom from the “compact majority.” It is perhaps the ultimate paradox that, however “anti-Semitic” the content of some of her pronouncements, in their form as opposition documents they remain the expressions of a quintessential Jew. And perhaps this paradox was part of their author’s solution to the problem of being Simone Weil.

24. Prologue to his *Identity: Youth and Crisis* (New York: Norton, 1968), especially pp. 32-33.

25. *The Need for Roots: Prelude to a Declaration of Duties Toward Mankind*, tr. Arthur Wills, (New York: Putnam, 1953).

Fridays In Leningrad

ROLAND TROPE

Three blocks behind the Kirov
Sits an empty headed synagogue.
No minyan mindful, watchful,
A handful murmur and wait

Let the dusk come.

A crowd gathers itself
Like the folds of a skirt.
Empty taxis spray mud and snow.
Pause in their tracks like sentries

Let the dusk come.

Three men conspicuously patient
Separate, light cigarettes,
Eye the open question

If the dusk comes

It will find them behind the Kirov
Heading for the crowd sieged synagogue.
The crowd gathers me in with a question,
"Where have you come from? Where before then?"

Let the dusk come.

ROLAND TROPE is a poet, a linguist and a lawyer.

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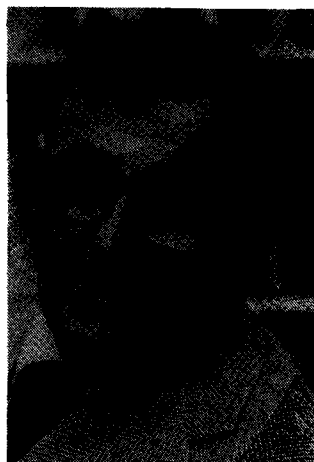
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New Light On An Old Drama

Review-Essay by DAVID WINSTON

The Exagoge of Ezekiel. By HOWARD JACOBSON. Cambridge. Cambridge University Press, 1983. 252 pp.

RECENT RESEARCH HAS TENDED TO BLUR the sharp distinctions formerly made between the Hellenization of Diaspora Jewry and that of Palestine during the first few centuries of the Common Era. It has succeeded in demonstrating the extensive inroads made by Greek culture even into the inner citadel of Palestinian Judaism, but it is essential to note the important and substantive differences which characterize these two disparate spheres of Jewish culture. There is virtually no evidence that Greek philosophy was seriously studied or understood in Palestine. A case can be made at best for rabbinic use of the Greco-Roman *sententia* or *chria*, "a terse, realistic anecdote, originally and usually on a Sage-Philosopher, that culminates in meaningful action or a truth in form of a gnome, apothegm or proverb."¹ Wolfson had long ago noted that there is not one technical Greek philosophical term to be found in rabbinic literature, and Fischel's attempt to establish specific Epicurean affinities with certain rabbinic statements are considerably forced and inconclusive.² Not only is there no Palestinian counterpart in Philo, but, given the indifference to philosophy which characterizes Palestinian Jewish writings, it is exceedingly difficult to conceive of such a possibility. Another important difference seems to be Palestinian Jewry's distaste for the theatre and gymnasium. Josephus tells us that Herod

departed from the native customs and through foreign practices he gradually corrupted the ancient way of life, which had hitherto been inviolable. . . . For in the first place he established athletic contests every fifth year in honor of Caesar, and he built a theatre in Jerusalem [its site was discovered in 1887 by Shick about a mile south of the Old City of Jerusalem], and after that a very large amphitheatre in the plain, both being spectacularly lavish but foreign to Jewish custom, for the use of such buildings and the exhibition of such spectacles have not been traditional with the Jews.³

Herod apparently did not dare build gymnasia in Judaea proper and, although, as Lieberman has pointed out, the rabbis never forbade

1. Henry A. Fischel, "Studies in Cynicism and the Ancient Near East: The Transformations of a *chria*," in *Religions in Antiquity*, ed. Jacob Neusner (Leiden, 1968), p. 373.

2. H.A. Fischel, *Rabbinic Literature and Greco-Roman Philosophy* (Leiden, 1973).

3. Josephus, *Antiquities* 15:267-68.

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physical training as such, “they condemned sport as an occupation and even cursed the man who behaved during the ritual immersion as if he was indulging in water-sports.” It is clear from the rabbinic texts that the Jews of Palestine were performing all kinds of gymnastic exercises, and that the rabbis tolerated it, prohibiting certain exercises on the Sabbath, but allowing them on ordinary days.⁴ As for the theatre, later rabbinic statements reenforce the early negative Jewish attitude towards this institution that is recorded by Josephus. According to R. Meir, it was forbidden to attend the theatres of the gentiles because it involved idol worship, though the sages qualified the interdict by insisting that this was the case only when offerings were actually made to the idols, but that otherwise the prohibition was to prevent the people from frequenting the place of the wicked (*moshav lezim*).⁵ The statement in the *Sifra* is more inclusive, interpreting Lev. 18:3, “nor shall you follow their customs” to refer to the adoption of the established usages of the gentiles, such as theatres, circuses, and stadia.⁶ There was, thus, a great cultural divide between the rabbinic attitude which barely tolerated sports and looked askance at attendance at the theatre, and Philo’s completely uninhibited passion for both of these activities. (Ps-Aristeas [285] had earlier recommended the watching of plays as a proper pastime for the pagan king, Ptolemy II, but was careful to qualify this by emphasizing that the play had to be performed with propriety and decency.)

In the light of these qualitative differences between Palestine and the Diaspora, it is in no way surprising that it is mainly in the latter that Jewish writers had produced some very fine specimens of such diverse Greek literary genres as Epic, Gnostic, Hymnic, and Tragic poetry dealing with Jewish themes. In Palestine, on the other hand, the representative Greek literary genre was that of historiography,⁷ and the biblical history entitled, *On the Kings of Judaea*, which was composed by Eupolemus (second century BCE) and which presents a Hellenized Moses depicted as the originator of civilization, was written in a Judaeo-Greek dialect in a style that may be described as both clumsy and insipid. Eupolemus, who was dependent on both the LXX and the Masoretic Text, was undoubtedly bilingual, but his native tongue was clearly Hebrew rather than Greek.

It is, therefore, quite apparent that the sole surviving example of a Jewish-Hellenistic drama is to be found in the 269 verses of “The Exodus” (*Exagoge*) of Ezekiel (cited by Eusebius from the lost work of Alexander

4. Saul Lieberman, *Greek in Jewish Palestine* (New York, 1942), pp. 92-97.

5. *Tosefta Avodah Zarah* 2.5; B.T. *Avodah Zarah* 18b.

6. *Ahare Mot* 13. (The *Mekhilta de'arayoth* is a later addition to the *Sifra*.)

7. There is considerable uncertainty concerning the provenance of the epic compositions of Philo the Elder and the epic poem on Schechem by Theodotus. Wacholder places the former in Jerusalem, and the latter in Schechem. Collins, who, in agreement with Gutman, rejects the Samaritan identification of Theodotus, suggests a Palestinian provenance for the work.

Polyhistor). Through the chance of history, *The Exagoge*, which also represents the most extensive remains of any Hellenistic tragedy, happens to be a product of the Jewish diaspora. It is unlikely that there would have been a natural audience for the *Exagoge* in Jewish Palestine, or that a Palestinian author would have been capable of composing such Greek dramatic verse in the first place.⁸ Nor is it likely that a Palestinian Jewish audience would have tolerated the representation of God on stage in the scene of the burning bush, even if only as a divine voice.⁹

In spite of the fact that much has been written on the *Exagoge*, Jacobson's recent monograph represents the first comprehensive commentary on these fascinating fragments by a scholar equally at home in both classical and Jewish literature. It is a pleasure to be able to report that his erudition is comprehensive, judicious, and penetrating and that the prospective reader will be treated to a veritable intellectual feast. Organized by scenes, the commentary is thematic rather than line-by-line, a mode of presentation which renders it eminently readable. Jacobson is fully alive to the various midrashic parallels which are so important for a fuller understanding of the play, and his many citations from the Targumim and other Jewish-Hellenistic writings frequently illuminate an otherwise obscure line. Although certainty with regard to the play's provenance is impossible, Jacobson is undoubtedly right in following the consensus that sees Alexandria as the most likely place of origin and, on that supposition, basing much of his subsequent argumentation in favor of dating the play in the 2nd century BCE, as well as his analysis of the various elaborations on, or deviations from, the biblical text. Moreover, he argues convincingly that although Ezekiel made abundant use of the LXX, there is no cogent evidence for his use of the Hebrew Bible. As for the impact of Greek tragedy on Ezekiel, Jacobson makes the case not only for Euripidean influence (already well established by Wieneke), but also for some Sophoclean and, significantly, more Aeschylean influence.

Jacobson correctly notes that the absence of Ezekiel from Josephus' literary review in *Against Apion* 1.218 is no indication in itself that the lat-

8. Although B. Snell, who had published the fragments in his *Tragicorum Graecorum Fragmenta*, vol. 1 (Göttingen, 1971), no. 128, asserted that Ezekiel's mother tongue was Hebrew, and Lesky thought that he did not write from an inborn Greek feeling for the language, Jacobson has correctly observed that the peculiarities in Ezekiel's use of $\mu\epsilon\nu$ clauses hardly justifies denying him Greek as a native language.

9. In a separate article, "Two Studies on Ezekiel the Tragedian," *Greek, Roman and Byzantine Studies*, 22:2 (1981): 167-78, Jacobson has demonstrated that there is no reason why the *Exagoge* could not have been presented in the municipal theatre of Alexandria. He points out that the abundance of local adverbs and pronouns at lines 243-46 is suited for the stage and, after a careful and detailed analysis of the various objections that had earlier been raised, he concludes: "Nothing in this question is decisive, but since the norm of dramatic composition was for stage production and no cogent arguments to the contrary have been adduced for the *Exagoge* we will do well to assume for the present that the play was intended for the stage."

ter did not know Ezekiel's work. Indeed, his account of the crossing of the Red Sea was influenced by Ezekiel. Nor is it surprising that Philo never mentions Ezekiel, since he never mentions any Jewish sources aside from Scripture. Freyhan has indicated the similarity between Ezekiel and Philo in expounding Moses' royal education, which, according to Philo, included Greek teachers,¹⁰ and Jacobson further notes that, like Josephus, Philo polemicizes against Ezekiel when he stresses that no messenger survived to report the disaster that befell the Egyptians at the sea.¹¹ Jacobson also points out that both Ezekiel and Philo, in defense of Jochebed, have her place the baby by the water and not in it, emphasize the vegetative overgrowth which suggests a relatively protected area, and indicate that Miriam watches over the babe not from afar but from nearby.¹² Moreover, both Ezekiel and Philo omit the Sinai revelation (although Philo does deal with it separately in a special treatise on the Decalogue). One further similarity unnoticed by Jacobson may be mentioned. The LXX, many of the Targumim and Ezekiel, as Jacobson himself notes, omit the word "leprous" in rendering Exod. 4:6 in order to avoid providing additional fuel for the anti-Semitic propaganda which had branded the Jews in Egypt as lepers who had been finally expelled from the country and even asserted that Moses himself was a leper. Philo, too, omits the word "leprous."¹³

It is generally believed that the *Exagoge* consisted of five acts: 1) Moses' monologue and his meeting with the daughters of Raguel; 2) Moses' dream and its interpretation by Raguel; 3) the burning bush and God's appearance to Moses; 4) the messenger speech recounting the crossing of the Red Sea; 5) the scouting report on the oasis of Elim and the appearance of a strange creature, apparently the Phoenix.¹⁴ From the point of view of the history of ideas, the most important act is that which describes Moses' dream. Although Jacobson's scholarly restraint generally serves him very well, saving him from unduly speculative hypotheses and reconstructions, his treatment of Ezekiel's description of Moses' dream appears to be overly cautious and unnecessarily diminishes its potential significance. The passage is worth quoting in full:

Moses:

I had a vision of a great throne on the top of mount Sinai
and it reached till the folds of heaven.
A noble man was sitting on it,
with a crown and a large sceptre in his

10. *De Vita Moses*, 1.21.

11. *Ibid.*, 1.179.

12. *Ibid.*, 1.10, 12, 14.

13. *Ibid.*, 1.179.

14. The earliest identification of Ezekiel's creature with the Phoenix is by Ps-Eustathius, *Commentarius in Hexaemeron* (J.P. Migne, *Patrologia, Series Graeca*) 18, 729d. Jacobson has inadvertently confused the unknown author of this commentary with the fourth century bishop of Antioch (p. 157).

left hand. He beckoned to me with his right hand,
 so I approached and stood before the throne.
 He gave me the sceptre and instructed me to sit
 on the great throne. Then he gave me the royal crown
 and got up from the throne.
 I beheld the whole earth all around and saw
 beneath the earth and above the heavens.
 A multitude of stars fell before my knees
 and I counted them all.
 They paraded past me like a battalion of men.
 Then I awoke from my sleep in fear.

Raguel:

My friend, this is a good sign from God.
 May I live to see the day when these things are fulfilled.
 You will establish a great throne,
 become a judge and leader of men.
 As for your vision of the whole earth,
 the world below and that above the heavens —
 this signifies that you will see what is, what has been and what shall be.

Gruenwald and Van der Horst have seen in this dream a throne vision in the Merkavah tradition, the latter also finding here the earliest instance of the idea of a viceregent or plenipotentiary of God, and noting that the vision of God in human shape seated on the throne is based on Ezekiel 1.¹⁵ Jacobson's reaction to such interpretations is one of total rejection, although his detailed critique is found in a separate article entitled "Mysticism and Apocalyptic in Ezekiel's Exagoge."¹⁶ When Ezekiel speaks of the stars prostrating themselves before Moses, Jacobson says that "one can scarcely not think of Joseph's dream in Gen. 37:9." It seems to me, however, that the two scenes are incommensurable. In Joseph's dream, the sun, moon and eleven stars clearly symbolize Joseph's father, mother and brothers, who are destined to bow down before him, whereas in Moses' vision the significance of a multitude of stars prostrating themselves before him can have only a cosmic reference. There is little doubt that the Merkavah element is here considerably toned down, but the faint echoes of that tradition are, nevertheless, distinctively present and must be given their due. Ezekiel is clearly using the Merkavah framework to depict Moses as a cosmic figure of semi-divine stature, and our text thus provides us with yet another link in the Merkavah tradition. None of this, however, can detract from the excellence of Jacobson's superb commentary on the *Exagoge* which will undoubtedly become the standard work on this intriguing Graeco-Jewish drama.

15. Ithamar Gruenwald, *Apocalyptic and Merkavah Mysticism* (Leiden, 1980), pp. 128-30; P.W. van der Horst, "Moses' Throne Vision in Ezekiel the Dramatist," *Journal of Jewish Studies* 34:1 (1983): 21-29.

16. *Illinois Classical Studies* 6 (1981): 272-93.

Genesis In Other Words

In the Beginning. A New English Rendition of the Book of Genesis. By EVERETT FOX. New York. Schocken Books, 1983. pp. xxxvii + 211. \$14.95.

Reviewed by STEPHEN A. GELLER

THIS WORK, which appeared in an earlier form in 1972 in *Response* magazine, consists of a translation of Genesis, a brief, mainly literary commentary on the structure of the book, and even briefer critical notes on the text. The dominant aspect of the work is the author's attempt to introduce into English some of the main features of the famous Buber-Rosenzweig *Verdeutschung* of Scripture. The key innovation is hinted at by the term "rendition" in the title, a word which has overtones of "performance"; for a major goal of Buber-Rosenzweig, imitated by Fox, was to restore a feeling of "spokenness" to a sacred text which they felt had become ossified by literary tradition into spiritual immobility. The philosophical underpinnings of this "oral" approach are complex (for a recent study, see, especially, Edward L. Greenstein, "Theories of Modern Bible Translation," *Prooftexts*, [January, 1983]). In general, it was rooted in a romantic apprehension that all genuine, "original" (*ursprünglich*) literary art was poetical, and that the essence of poetry was orality: even physiologically, through the link of poetic rhythm to the pace of the human heartbeat and the process of respiration.

These viewpoints are, in many respects, antiquated. For example, anthropology has shown that "primitive" traditions are quite as often in "prose" as in verse. The

complex biblical narratives, even in their earliest written formulation in the Pentateuchal sources J and E, are far removed from simple orality; all the more is this so on the later canonical level that Fox deals with. In other words, it is by no means certain that the biblical stories were intended primarily to be heard rather than read, as Buber and Rosenzweig assumed. It is a fact known to all honest biblicists that one of the areas of our greatest scholarly ignorance is the true nature of biblical authorship and the type of audience to whom it was addressed.

Despite these caveats, it is certainly true that ancient culture was far more oral than is ours. Powers of memory and the ability to perceive complex patterns over a distance were doubtless much greater than today. Therefore, the Buber-Rosenzweig approach is of enduring value, especially in so far as it encourages the reader to focus on the literary structure of the biblical narrative.

The main formal expressions of the Buber-Rosenzweig orientation, both mirrored by Fox, are two: the presentation of the text in cola, "breath units," (in fact, more or less corresponding to clause units); and a striking literalness of expression quite at odds with most modern Bible translations. The former aspect is, in my opinion, suspect. "Breath units" supposedly reflect a natural "rhythm" in the text, making it into poetry, or at least into something "akin to poetry." Fox even occasionally inserts terms "for rhythmical reasons," violating the literal nature of the approach. But what can be the perceptual reality of "breath units" that vary freely in length from two or three to twenty or more syllables? Their rhythmical value is minimal and they cer-

tainly do not justify labelling Genesis poetical unless one robs the term "poetry" of any prosodic content. The main value of the format is surely heuristic: it slows the reader down and, thus, encourages him to consider more closely the literary structure of the text.

More significant is the literal, almost concordant nature of the translation. No attempt is made to follow the policy set down by the translators of the King James Version in 1611 to use "different English words to represent the same . . . Hebrew word, lest they should seem to wrong the copious English tongue." Following his models, Fox makes little attempt to produce smooth, idiomatic renderings, and the effect can be decidedly peculiar. To cite one of his own display examples:

For he said to himself:

I will wipe (the anger) from his face
with the gift that goes ahead of
my face;

afterward, when I see his face,
perhaps he will lift up my face!

Admittedly, this use of forms of *panim*, "face," in a single verse in four different idioms (approximately, and in sequence: "appease," "precede," "meet," "forgive") is an extreme case. But the literalness is ubiquitous and intentional. Its aim is to encourage the reader to notice, above all, the play of verbal patterns in the text, what Buber termed "*Leitwörter*" ("leading-words"). These repeated expressions run through biblical narratives like threads of recondite meaning, indicating — to perceptive readers — implied connections, subtle contrasts and hidden emphases.

"Idiomatic" translations are usually deaf to these complex verbal circuits. Indeed, by ignoring them they imply that they are insignificant, subordinate to the Bible's essential aim of communicating a

given message. Buber and Rosenzweig had a mystical, almost Kabbalistic reverence for the Hebrew Word itself. To them, the real meaning of the Bible lay precisely in the effective autonomous power of its words. The primary aim of a translation was to be true to language itself: hence the literalism, religiously understood.

It is no denigration of Fox's efforts to say that his rendition does not equal that of Buber and Rosenzweig, which is a masterpiece of the century. In the main, he diligently, occasionally stiffly, attempts to reproduce the verbal patterning of the original in English, guided, to a great extent, by the German model. So, for example, like Buber-Rosenzweig, he regularly renders the common Hebrew construction of cognate infinitive absolutes and finite verbs by repetition; for example, Gen. 2:16 *'akhol to'khel* (commonly, "you may certainly eat") as "eat, yes eat" (Buber-Rosenzweig: "*magst essen du, essen*"); 2:7 *mot tamut* (commonly, "you will surely die") as "die, yes die" (Buber-Rosenzweig *unliterally!*: "*musst du des Todes sterben*"), etc.

There are occasional slips. For example, one of the key "leading words" in the Abraham cycle is *ra'ah*, "see." Its culmination is in Gen. 22, the story of the binding of Isaac at Moriah, "the place of seeing." As Fox notes, Buber made "seeing" the object of special study. Yet Fox renders a central occurrence of the term, 22:8, quite *unliterally!* As Abraham and Isaac tread slowly to the place of sacrifice, Isaac innocently inquires about the lamb for slaughter. Abraham replies: *'elohim yir'eh lo hasseh le'olah beni*. Fox translates: "God will *select* for himself the lamb for the offering-up, my son." Buber-Rosenzweig captures the *Leitwort*: "*Gott ersieht sich das Lamm zur Gabe, mein Sohn*." A simple: "God will see

to the lamb," or the like, would catch the critical term.

As this example also shows, Fox is often even more literal than his model; compare "offering-up" for *olah* with Buber-Rosenzweig's "Gabe." Fox also regularly employs, as do Buber-Rosenzweig, etymological neologism for key terms. For example, *mizbeah* is rendered as "slaughter-site"; cf. Buber-Rosenzweig's "*Schlachtstatt*." Yet the effect is quite different in English than in German. The latter language regularly employs such compounds in ordinary speech: *Fernseh*, *Beinbruch*, etc. Their effect in English is so exotic that an expression like "slaughter-site" seems somehow even bloodier than its German equivalent! And some of his translations are excessively labored. So, for example, the difficult (and probably textually corrupt) Gen. 15:2 Fox translates: "and the Son Domestic of My House is Damascan Eliezer." He has caught the play of *ben mesheq beti* and *dammeseq eli'ezer*, but the literary effect is unhappily quaint.

More objectionable is Fox's almost Aquila-like literalism in matters that do not affect the theoretical bases of the Buber-Rosenzweig model. For example, it is surely unnecessary to render almost every *hinneh* as "here," *wayhi* as "it was" and *wehayah* as "it will

be." The latter terms, especially, are merely a sequence of tense markers and are unlikely to serve as "leading words." They are best simply omitted in translation, as Buber-Rosenzweig often do. Translations like: "And it was: Not yet had he finished speaking,/ when here, Rivka came out . . ." (Gen. 24:15) are not likely to increase an English speaker's concern for the Bible as literature.

Fox's book is a useful tool for study. Used in conjunction with an "idiomatic" translation like the RSV or JPS, it will help those with little Hebrew to appreciate some of the intricate verbal patterning of biblical narrative. This is no easy task. Indeed, perhaps the greatest value of the Buber-Rosenzweig approach lies in its insight that textual meaning must be won by readers' struggles with the word. The very strangeness of the literal translation "defamiliarizes" the text and makes it seem new and real. Fox shares this essential conviction that one must work for meaning, that "a work of art is not always something immediately accessible, but rather to be acquired by strenuous and loving effort" (p. xxiii).

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Theodicy Is Not The Issue

Evil and the Morality of God. By HAROLD M. SCHULWEIS. Cincinnati. Hebrew Union College Press, 1984. 168 pp. \$15.00.

Reviewed by KENNETH SEESKIN

IMAGINE THAT you were listening to someone tell a story and that you became interested in what he was saying. Imagine that his delivery was articulate and erudite, that his ideas were organized in a coherent fashion, and that he seemed to be making good sense. But imagine that, when he got to the moral of the story, he missed the point which you thought he was trying to establish and went on to something entirely different — something far less persuasive than what you had heard before. This is exactly how I felt when I read Schulweis' book.

As the name implies, the book is about theodicy. Although it is addressed to post-Holocaust man, it is not about the Holocaust *per se*; it reads more like a standard book in philosophical theology than a book inspired by the memory of Auschwitz. The authors whom he discusses are the ones we would expect: Augustine, Maimonides, Aquinas, Leibniz, Hartshorne, Wieman, and Tillich on the one hand, Barth, Buber, and Hick, on the other. There is no mention of people like Fackenheim, Rubenstein, Berkovitz, or Cohen. Although it is mentioned only once, the name of Mordecai Kaplan looms large in this book, particularly in the last chapter. There is a clear sense in which Schulweis' book could be read as an extension of, or reflection on, Reconstructionism. But more on this point later.

According to Schulweis, images of divine perfection are informed by two basic religious needs; the drive to know and the drive to be

known. The first finds its natural expression in the notion of metaphysical perfection, the second in that of a personal God. What we would like to show is that a being who excels in the first type of perfection also excels in the second: that the omniscient Deity who contemplates the universe in a second is also the loving, feeling God of Scripture. Schulweis is correct in saying that the job of reconciling these two notions of perfection often proves impossible, forcing the theologian to sacrifice one for the sake of the other. The God of the metaphysicians is not a moral agent — at least not in an obvious way. He is responsible for a rich or infinitely varied world, which is to say, a world perfectly suited to the activity of contemplation. The problem is that, in such a world, man becomes what Maimonides said he was: an infinitesimal part of the whole. It follows that the suffering of an innocent victim — a child crying out in the night — poses no theological question. The universe testifies to the glory of God when viewed as a totality. The crying of an innocent child is a localized privation which is regrettable but not problematic.

The God of the "personalistic" theologians is a moral agent — or so we are told. Schulweis takes this to mean that He is under a set of obligations, presumably those outlined in the covenant. What do the personalistic theologians say when the child cries out and God does not answer? Schulweis is again correct in saying that they take refuge in a concept of personality which transcends the ethical. That is, they follow Kierkegaard in saying that God cannot be limited by the dictates of ethical reason, so that, from the point of view of faith, the ethical is superseded by the religious. What, then, is the content of the religious? The problem is that no one can say. Because

it transcends the ethical, the "personality" of God becomes unintelligible. We are left with the "cruel and merciful" God of Buber, a God who is to be addressed as a person but whose personal characteristics make no sense. As Buber remarks in *Eclipse of God*, we do not know whether it is God or Moloch who addresses us. If so, then the personalistic approach to God becomes a radical skepticism.

There is, of course, a problem in talking about the morality of God. To the degree that morality addressess itself to the peculiarities of the human condition, it cannot be applied to God without creating absurdity. On the other hand, I think it fair to say that Judaism has always been suspicious of the Kierkegaardian-type deity who so transcends moral categories that He becomes utterly unapproachable. This is certainly not the God who called the prophets into His service. The challenge which Judaism sets itself is to walk the fine line between a God with no divine prerogatives and a God with so many that He begins to sound like Moloch. I agree with Schulweis that most theologians have sacrificed God's moral perfection in order to account for the presence of evil. Perhaps Schulweis has a tendency to go too far in the opposite direction — to apply moral categories to God without making the necessary qualifications — but he is right to this extent: an amoral God has no place in Judaism.

Thus far, Schulweis has done an admirable job. Yet, rather than draw what I would regard as the obvious conclusion — that the whole enterprise of theodicy is bankrupt — Schulweis tries to construct a new position. His starting point is subject/predicate logic and his goal a "God" who is not a metaphysical substance. According to Schulweis, "God" is not a substantive noun which refers to things as

they are in themselves" (p. 126). Instead of a traditional God, Schulweis offers us a list of "godly" predicates like goodness, love, intelligence, and creativity. Put otherwise, God is not a subject who exists in the world. When we talk about the divine, we are talking about the ideal qualities on Schulweis' list. But, then, these qualities are not divine in the usual sense of the word either. We are told that "Godliness is discovered within humanity, within nature, and within history by the human subject" (p. 125). This is as good a description as any of what Schulweis terms *predicate theodicy*.

As indicated above, the shift from God to Godliness has a Kaplanesque quality to it and, for that reason, will offend the traditional believer. The traditional believer will also be offended (though probably not surprised) by the fact that the inspiration for Schulweis' position comes from the grand-daddy of modern atheism, Ludwig Feuerbach. I see no point in raising the stock questions to which such a position gives rise, e.g., Who created the universe? How do we account for the authority of Torah? To what do we address our prayers? Anyone who wishes to pursue this line of attack need only consult the thousand and one objections that have been made against Kaplan.

My question is different: Can Schulweis free himself from "subject theodicy" as easily as he thinks? Take one of the items on his preferred list of predicates: love. Can we make sense of love in the abstract? Can we talk about love as a moral ideal without referring to someone or something who receives our love and loves us in return? In the *Symposium*, Plato talks about a love (*eros*) which culminates in contemplation of an ideal form. But I think that this position fails for one reason: we

can love the ideal form but it cannot love us back. The form of beauty is completely indifferent to the feelings that we have for it. It is questionable, therefore, whether Plato is talking about love in a religiously significant way (perhaps *desire* would be a better translation of *eros*). What is Schulweis talking about? If the recipient of our love is an abstract quality or predicate, then, I submit, he has undermined one respect in which the biblical worldview is manifestly superior to the Greek: it sees that love is, above all, a *reciprocal* relation. If, on the other hand, he is talking about the love of one human being for another, then, while he has retained the element of reciprocity, he has lost that of divinity. There is no point in calling love a godly quality unless it has a godly subject.

If space permitted, I believe that I could make a similar argument for the other items on Schulweis' list. Can we make sense of goodness without supposing that there is something in the universe of supreme value? of intelligence without supposing that there is something which is self-consciously intelligent? etc. There are a host of secular philosophers who would answer yes. But could a philosophy which claims to be Jewish give the same answer? If not, then the subject/predicate approach to God is not just an accident of language. There are deep philosophical reasons why the predicates need a subject who exemplifies them if they are to be meaningful predicates at all.

Let us return to theodicy. I believe that the meaning of the Holocaust is not that we need a new theodicy but that we need a way of looking at our religion according to which theodicy is not the issue. In fact, I would go further and claim that the warrant for rejecting theodicy is supplied by God Himself in the Book of Job. To the question, "Why do innocent people suffer?" Judaism has no answer. To be sure, neither does anything else. Schulweis sees that as a reason for moving to predicate theodicy and abandoning the notion of a transcendent God. I see it as a reason for asking ourselves what question Judaism *can* answer. My candidate: How can human life be sanctified? An answer to the latter question could not ignore the suffering of innocent people. But, instead of providing a moral justification for suffering, it would do the opposite: show why suffering offends us as much as it does. In other words, an answer to the latter question would explain why we are bothered by the crying of an innocent child *even when we view the universe from a cosmic perspective*. The answer has to do with the infinite value of human life, a value which it receives by being made in the image of the divine. My claim is, therefore, that when we identify the real question that Judaism seeks to answer, the need for a transcendent creator is inevitable.

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Know The Enemy

Voices of Resurgent Islam, Edited by JOHN L. ESPOSITO, Oxford University Press, 291 pages.

Reviewed by THEODORE N. LEWIS

THE "VOICES" which speak in this volume are, unfortunately, voices of extreme Islamic fundamentalism, with a strong animus towards the West. The sixteen contributions by predominantly Moslem scholars and a few Christians who participated in a symposium on the subject at the Worcester Catholic Holy College, suggest not resurgence but, rather, regression. In the final chapter, Kemal A. Faruki, identified as "a barrister and Moslem scholar," confesses as much when he recognizes that "the Islamic resurgence may prove to be an anachronistic, unfortunate false dawn."

Regression is most conspicuous in the shocking chapter on "Islam and Zionism." The author, Ismail R. al-Faruki¹, a Professor of Islamic Studies at Temple University, believes that Israel, always referred to as "The Zionist State," must be destroyed by force and war unless the resident Jews agree vol-

untarily to "dismantle" it and to submit to Moslem rule. The four pages demanding the liquidation of Israel include not only vulgar and diabolic accusations, but also, and this is terrifying, a call for "Jihad," for a holy war against Israel. Such war is imperative, insists the professor, because the "Zionist State" was established "by bribery . . . and forced eviction of Palestinian farmers who inherited the land from their ancestors through the millennia." Such "inheritance" is, of course, pure fantasy, as are the alleged "crimes and injustices" of the Zionists which require that "all Moslems the world over rise like one man and see to it that the Zionist State, which no Moslem can tolerate, be dismantled and its wealth *confiscated*."

Every Moslem male, the professor insists, is religiously obligated to join in this "Jihad" holy war. And great reward awaits those who will. The would-be warriors are assured that "fulfillment of this duty represents a *Falah* (felicity) in this world, martyrdom and paradise in the other". How "resurgent" is a theology which holds that the Deity will reward with eternal bliss in the hereafter all those who join in killing the Jews in the "Zionist State"?

After this categorical "disposal" of Israel, the author has the effrontery to assert that "Islam offers a *perfect* solution for the Jewish problem" and that *only* under Islam will Jews find "lasting peace" — the kind that they "found" all too often in Moslem lands throughout the ages — degradation, humiliation, revolting ghettos, and frequent massacres, most especially during the recent past in the Moslem countries that expelled them and confiscated their property and wealth when Israel was established in 1948.

This declaration of war against Israel, the editor informs us, is an extract of a larger tract published

1. I am able to corroborate the reviewer's contention on the basis of personal experience.

When I became professor of religion at Temple University, I found Ismail al Faruki as a colleague teaching Islam and related subjects. While our personal relationship was good, he informed me that he had served as secretary to the governor of the Beersheba District under the British Mandate and that he had in his possession records "demonstrating" that the "Zionists" had seized Arab property without compensation. He promised to bring this material with him, but during the six years of our association on the faculty of Temple University, the records were not forthcoming. (R.G.)

under the auspices of the Islamic Council of Europe, located in London.

A striking element in this violently anti-Israel diatribe is the dogma repeated frequently throughout the volume, that the "law of the Islamic State is what God has ordained for it for all time," and knowledge of it is possessed only by Moslem clerics. Though only Moslem states are "divine," most of them are reactionary, being far removed from the secular Western democracies without whom, incidentally, the Islamic world would be in ruins, economically, and in chaos, politically.

Examples of vigorous "resurgence" are represented not only by several theologians whose doctrines and teachings are analyzed at great length, but, especially, by three men who are discussed in detail, and who now dominate the Moslem world: Qaddhafi, Khomeini, and Zia of Pakistan. How Qaddhafi qualifies as a leader in Islamic regeneration is a mystery, since he gained power and rules by terror, which he exports internationally. A devout Moslem, he closed all Christian churches and cathedrals, which the previous regime had tolerated, and placed them in the category with night clubs and cafes, which are banned. The Christian contributors to this volume obviously do not find such proscription objectionable, even as Christian nations do not protest the outlawing of Christianity in "moderate" Saudi Arabia and other Moslem lands which place all non-Moslems in the inferior status of *Dhimmi*, a term applied to those who do not profess the true faith of the Prophet, and which, incidentally, is a term not accurately defined in the glossary.

Khomeini is, of course, the most influential Islamic leader and the one most feared. A bitter anti-

Semite, he attributes Iran's ills to Israelis, meaning, of course, the Jews. The Islamic movement, he writes in his "Sayings of Ayatollah Khomeini," met its first saboteur in the Jewish people. Another "saying" holds that to "do one's work under the orders of a Jewish foreman is shameful." He even accuses the Jews of passing "doctored copies of the Quran from which verses critical of the Jews were excised" (155).

His autocratic rule is not only more oppressive, but it is more bloody than that of the Shah. His wholesale executions for alleged political and religious offenses reach into the hundreds and possibly into the thousands. Countless men, women and even children have been killed for no more serious crime than the "heresy" of Bahaism. Because the Bahai headquarters are in Haifa, Khomeini connects that faith to Zionism which, of course, must be uprooted. His public declaration that "their (i.e., Bahais') blood may be shed" fails to move the hearts of even the Christian contributors. The war with Iraq, waged by pious Moslems against each other — not against infidels and heretics — has claimed thousands upon thousands of young lives. Khomeini not only repudiates Western values but preaches an Islamic fundamentalism which other Moslem lands dread. If one who proclaims Israel as "the root of Satanic evil and humiliation" is a leader in the resurgence of Islam, then the faith is truly in a grave predicament.

The section on Pakistan is particularly intriguing. Pakistan was created in 1947, after a war with India. The chief architect of the new state, a Harvard-educated Moslem, Z.A. Bhutto, was not only overthrown in 1977 by the present military dictator, General Zia ul-Haq, but executed after a farcical trial. Zia, a cruel and merciless tyrant, is cred-

ited with responsibility “for the widespread Islamization process initiated subsequently” (p. 282). The process involved the reintroduction of “Quranically prescribed penalties,” which went into effect on February 10, 1979. Ordinance N. 6 decrees that a “thief is to be punished by the amputation of the right hand — from the joint of the wrist — for the first offense; by amputation of the left foot up to the ankle for the second such offense, and by imprisonment for life for the third or more offenses.” To mitigate the danger involved in such unusual procedures the amputation must be carried out “by an authorized medical officer.”

The contradictions between the “ideals” that the sixteen authors ascribe to Islam and the reality which they totally ignore are many and grave. There is a deep and wide chasm between the idealized Islamic society portrayed in these pages and the life of the Moslem masses — replete with poverty, illiteracy, oppression by military and political despots, female degradation, and domination by ignorant and intolerant clerics who pretend to speak in the name of Allah and his Prophet.

The Islamic state, according to one author, must guarantee “man’s inalienable rights — equality of status, of opportunity, equality before the law, freedom of thought, expression, belief, faith and worship.” Which of the 49 Moslem states grants, or even recognizes, any of these “rights”? To claim the ideals of secular democracies for Moslem states is ludicrous when freedom of thought and expression are as severely suppressed in these lands as they are in the atheistic Soviet empire.

In Islamic states, one author contends, “productive activity is the duty of every man and woman” (p. 272). How productive are the profligate Saudi princes? Do the horde

of officials and their hangers-on in the thirteen OPEC countries live by “productive labor,” or by extracting billions of dollars, not only from the West, but also from the impoverished Moslem lands that are near bankruptcy?

There is yet another grim reality which is totally ignored: not one of the 49 Moslem states is, to any degree, a free society. Few, if any, of the nearly 100 million Moslems enjoy any form of liberty. Freedom of press, or speech, or opinion, condemned as Western inventions, are anathema to all Moslem regimes.

If any one “ideal” dominates the Moslem world, and one that the authors embrace, it is the destruction of Israel, which is now a mass obsession, a group neurosis. What real connection is there between the Jewish state and the faith of Islam? The objective of the destruction of Israel has become a goal which is shared even by the few Christian contributors to this disturbing volume. Is Israel really a menace to Islam? Does Israel endanger the security of even one of the 49 Moslem countries? May it not be that Israel is a free and democratic society which the Arab despotism and tyrannies cannot tolerate?

What is profoundly tragic is that this “Jihad” against Israel makes peace in the Middle East impossible — a fact which world diplomats, American and others, refuse to recognize.

What is equally painful is the fact that the Catholic editor of the volume and his fellow Christian contributors are as adamant in their hostility to Israel as are their Moslem colleagues. “Nothing,” writes Mr. Esposito, “symbolizes the reality of Western neo-colonialism more than the creation and expansion of the state of Israel, a Western state established in the midst of the Arab world.”

Not a word about Jewish attachment to the land covering about two thousand years, unprecedented in history; not a word about Jews praying thrice daily for the return to the land of their fathers from which they were exiled, and no reference to the stirring 137th psalm, and particularly to the memorable fourth verse, "If I forget thee, O Jerusalem, etc." an oath that no other people in history has ever taken. For a Christian who must, surely, be acquainted with the Old Testament, to ignore these Biblical passages describing the Divine promise and the historical association of the love of the Jewish people for the Holy Land is truly astounding. Equally astounding is the editor's totally ignoring the U.N. resolution and Partition Plan of 1948 which allotted 85% of the original Palestine to Jordan, and only 15% of to the Jewish state — a plan which the Arabs rejected and the Jews accepted. This Catholic even hails the criminal Arab oil embargo of 1973 as an economic

"success" and a testimony to the "resurgence" of Islam — a "resurgence" which enriched a few Arab princelings at the expense of the whole of mankind.

One final word. Should a Catholic institution of higher learning sponsor and host a conference on "Islamic Resurgence" which includes a call for a holy war against Israel? Should a Catholic institution host a gathering which denigrates the West and extols Islam, a religion which has contempt not only for Jews and Judaism, but also for Christians and Christianity, a religion which places non-Moslems in the inferior category of Dhimmi — non-believers? The dissemination of Arab propaganda in the guise of scholarship under the sponsorship of a Catholic college surely requires some explanation.

THEODORE N. LEWIS is Rabbi Emeritus, Progressive Shaare Zedek Synagogue, Brooklyn.

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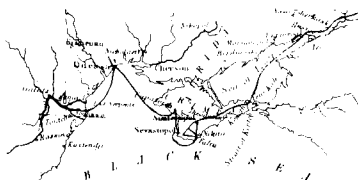
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BOOKS RECEIVED

May and June, 1985

Listing of a book does not preclude its being reviewed in a subsequent issue of JUDAISM

American Jewish Life

Diamant, Anita. *The New Jewish Wedding*. New York: Summit Books, 1985. 268 pp., \$16.95.

Klayman, Richard. *The First Jew: Prejudices & Politics in an American Community, 1900-1932*. Malden, Mass.: Old Suffolk Square Press, 1985. xii + 175 pp., \$29.95.

Mandelkern, Nicolas, D. and Hyman Chanover. *Home Start Parents' Handbook. A Guide to Jewish Holiday Celebration*. New York: Behrman House, Inc., 1985. 64 pp.

Autobiography and Biography

Axelrod, Albert S. *Meditations of a Maverick Rabbi*. Chappaqua, N.Y.: Rosset Books, 1985. xx + 170 pp., \$8.95 (paper).

Bosworth, Patricia. *Diane Arbus*. New York: Avon Books, 1985. xiii + 433 pp., \$8.95 (paper).

Gilead, Zerubavel and Dorothea Krook. *Gideon's Spring. A Man and His Kibbutz*. New York: Ticknor & Fields, 1985. 296 pp., \$19.95.

Bible

Knight, Douglas A. and Gene M. Tucker, eds. *The Hebrew Bible and its Modern Interpreters*. Chico, Ca.: Scholars Press, 1985. xxvii + 516 pp., \$14.95 (paper).

Christianity

Falk, Harvey. *Jesus the Pharisee. A New Look at the Jewishness of Jesus*. Mahwah, N.J.: Paulist Press, 1985. 175 pp., \$8.95 (paper).

Fasching, Darrell J., ed. *The Jewish People in Christian Preaching*. New York: The Edwin Mellen Press, 1985. 113 pp.

Ethics

Breslauer, S. Daniel. *A New Jewish Ethics*. New York: The Edwin Mellen Press, 1985. 127 pp.

Festschriften and Yearbooks

Himmelfarb, Milton and David Singer, eds. *American Jewish Year Book, 1985*. New York and Philadelphia: American Jewish Committee and JPS, 1985. 498 pp., \$25.95.

Coggins, Richard, Anthony Phillips and Michael Knibb. *Israel's Prophetic Tradition. Essays in Honor of Peter Ackroyd*. New York: Cambridge Univ. Press, 1985. xxi + 272 pp., \$18.95 (paper).

Hebrew Union College Annual. Vol. LV. Cincinnati, Ohio, 1985. 336 pp.

Fiction

- Goldreich, Gloria. *Leah's Children*. New York: Macmillan Pub. Co., 1985. 369 pp., \$16.95.
- Peters, Joan K. *Manny and Rose*. New York: St. Martin's Press, 1985. 309 pp., \$15.95.
- Raphael, Chaim. *Memoirs of a Special Case*. Chappaqua, N.Y.: Rossel Books, 1985. 207 pp., \$7.95 (paper).
- Segal, Lore. *Her First American*. New York: Alfred A. Knopf, 1985. 287 pp., \$15.95.
- Wangerin, Walter, Jr. *The Book of Sorrows*. New York: Harper & Row, 1985. 339 pp., \$15.95.

Hasidism

- Heschel, Abraham J. *The Circle of the Baal Shem Tov*. Chicago: Univ. of Chicago Press, 1985. xlv + 213 pp., \$24.95.

History

- Abrams, Alan. *Special Treatment*. Secaucus, N.J.: Lyle Stuart Inc., 1985. 261 pp., \$14.95.
- Ashtor, Eliyahu. *The Jews of Moslem Spain*, Vol. 3. Philadelphia: JPS, 1985. 310 pp., \$19.95.
- Cohn, Emil Bernhard. *This Immortal People*. New York: Paulist Press, 1985. 169 pp., \$5.95 (paper).
- de Felice, Renzo. *Jews in an Arab Land*. Libya, 1835-1970. Austin, Tex.: U. of Texas Press, 1985. x + 406 pp.
- Lipman, Sonia and V. D., eds. *The Century of Moses Montefiore*. London: Oxford Univ. Press, 1985. x + 385 pp., \$27.95. .
- Ozeri, Zion Mansour. *Yemenite Jews*. A Photographic Essay. New York: Schocken Books, 1985. \$19.95.

Holocaust

- Aronsfeld, C. C. *The Text of the Holocaust*. A Study of the Nazis' Extermination Propaganda: 1919-1945. Marblehead, Ma.: Micah Publications, 1985. 136 pp., \$10.00 (paper).
- Frey, Robert Seitz & Nancy Thompson Frey. *The Imperative of Response*. The Holocaust in Human Context. Lanham, Md.: University Press of America, 1985. xix + 165 pp., \$10.95 (paper).

Israel

- Rossel, Seymour. *Israel*. Covenant People, Covenant Land. New York: UAHC, 1985. 248 pp., \$8.95 (paper).
- Schiff, Ze'ev and Ehud Ya'ari. *Israel's Lebanon War*. New York: Simon and Schuster, 1985. 320 pp., \$7.95 (paper).

Juvenile

- Cohen, Barbara. *The Secret Grove*. New York: UAHC, 1985. \$7.95.
- Hurwitz, Johanna. *The Adventures of Ali Baba Bernstein*. New York: William Morrow & Co. Inc., 1985. 96 pp., \$10.95.

Rosenblum, Richard. *My Bar Mitzvah*. New York: William Morrow & Co. Inc., 1985. 32 pp., \$10.25.

Snyder, Carol. *Ike and Mama and the Seven Surprises*. New York: Lothrop, Lee & Shepard Books, 1985. 160 pp., \$11.75.

Language

Walden, Wayne. *Invitation to the Hebrew Language*. Plymouth, Mass.: Living Books, 1985. 100 pp., \$12.00 (paper).

Psychoanalysis

Klein, Dennis B. *Jewish Origins of the Psychoanalytic Movement*. Chicago: U. of Chicago Press, 1985. xviii + 198 pp., \$8.95 (paper).

Religion

Kitagawa, Joseph M. *The History of Religions*. Retrospect and Prospect. New York: Macmillan Pub. Co., 1985. xviii + 186 pp., \$19.95.

Rutland, Vernon. *Eight Sacred Horizons*. The Religious Imagination East and West. New York: Macmillan Pub. Co., 1985. ix + 230 pp., \$19.95.

Responsa

Mihaly, Eugene. *Responsa on Jewish Marriage*. Cincinnati, Ohio: 1985.

Scholarship

Neusner, Jack. *The Public Side of Learning*. The Political Consequences of Scholarship in the Context of Judaism. Chico, Cal.: Scholars Press, 1985. xii + 135 pp., \$11.95 (paper).

Theology

Block, Walter and Donald Shaw, eds. *Theology, Third World Development and Economic Justice*. Vancouver, Canada: The Fraser Institute, 1985. xxii + 145 pp., \$5.00 (paper).

Lelyveld, Arthur. *Atheism is Dead*. A Jewish Response to Radical Theology. Lanham, Md.: University Press of America, 1985. xii + 224 pp., \$11.50 (paper).

Merkle, John C. *The Genesis of Faith*. The Depth Theology of Abraham Joshua Heschel. New York: Macmillan Pub. Co., 1985. xix + 292 pp., \$19.95.

Westermann, Claus. *Théologie de l'ancien Testament*. Geneva: Labor et Fides, 1985. 327 pp.

Zionism

Avineri, Shlomo. *Moses Hess: Prophet of Communism and Zionism*. New York: Columbia University Press, 1985. xii + 266 pp., \$22.50.

Kabakoff, Jacob, ed. *Master of Hope*. Selected Writings of Naphtali Herz Imber. New York: Herzl Press, 1985. 338 pp.



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